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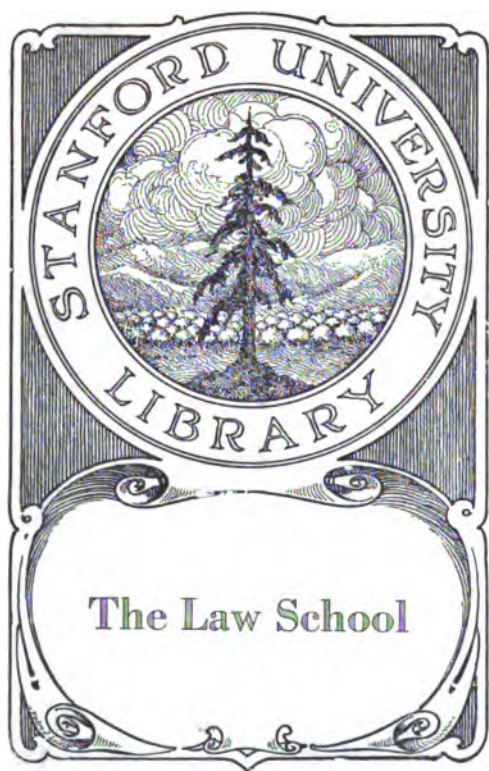
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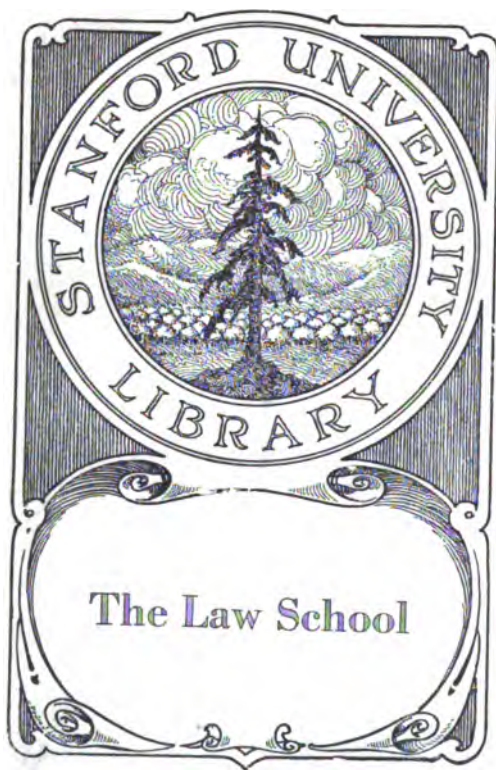
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New York Call

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New York Call

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L A W S
OF THE
State of New-York,
PASSED AT THE FORTY-SECOND, FORTY-THIRD AND
FORTY-FOURTH SESSIONS
OF THE
LEGISLATURE.
From January 1819 to April 1821.

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VOL. V.



ALBANY:

**PUBLISHED BY WILLIAM GOULD & CO. LAW BOOK-SELLERS,
NO. 94 STATE-STREET. AND GOULD & BANKS, LAW BOOK-
SELLERS, CORNER OF NASSAU AND SPRUCE-STREETS,
OPPOSITE THE CITY-HALL, NEW-YORK.**

Packard & Van Benthuyssen, Printers.

1821.

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REARL OROPHATE

L A W S
OF THE
STATE OF NEW-YORK,
PASSED AT THE
FORTY-SECOND SESSION
OF THE
LEGISLATURE,
BEGUN AND HELD AT THE CITY OF ALBANY,
The Fifth day of January, 1819.



ALBANY:
PRINTED BY J. BUEL, PRINTER TO THE STATE,
FOR WILLIAM GOULD & CO.

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1819.

L A W S

OF THE

STATE OF NEW-YORK,

PASSED THE FORTY-SECOND SESSION OF THE LEGISLATURE,
BEGUN AND HELD AT THE CITY OF ALBANY, THE
FIFTH DAY OF JANUARY, 1819.

CHAP. I.

AN ACT relative to the Albany Water-Works.

Passed January 15, 1819.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall be lawful for the Trustees and Company of the Albany Water-Works, to make such by-laws, and thereby impose such penalties, as they shall deem necessary and expedient, to restrain and punish the taking of water out of any part of the said water-works, or any of the conduits or penstocks in any wise connected therewith, by persons not duly licensed by the said Trustees and Company to take the same: Provided always, That such penalties shall not exceed, for each offence, the sum of five dollars.*

II. *And be it further enacted, That it shall be lawful for the Trustees of said Company, to sue for and recover such penalties in their corporate name, in an action of debt, with costs, before any justice of the peace within the city of Albany, in like manner as any debt may be sued for and recovered by a private person.*

CHAP. II.

AN ACT to provide for the holding of a Circuit Court, and Court of Oyer and Terminer and General Gaol Delivery, in the county of Dutchess.

Passed January 15, 1819.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That a circuit court, and court of oyer and terminer and general gaol delivery, shall be holden at the court-house in the village of Poughkeepsie, in and for the county of Dutchess, on the third Monday of April next; which said court, so to be holden, shall be deemed and taken to be one of the courts directed to be holden in said county by the act entitled, "an act directing circuit courts to be held in the counties of Oneida and Dutchess," passed April 15, 1817.

CHAP. III.

AN ACT to authorize the payment in advance of a certain annuity from this State to the Stockbridge Indians.

Passed January 15, 1819.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for the comptroller, by and with the advice and consent of his excellency the governor of this state, forthwith to draw his warrant on the treasurer for the whole, or such part of the annuity which will become due from this state to the Stockbridge Indians in June next, to enable his excellency to pay the same in advance to the said Indians: *Provided however*, That a rebate of interest, at the rate of six per centum per annum, be made on the sum advanced from the time of its payment until the same would fall due.

II. *And be it further enacted*, That the said money, so drawn, shall be forthwith paid to the said Indians, in the same manner and proportion as the annuity ought to be paid: *Provided* the same shall be accepted by the said Indians in lieu of the said annuity.

CHAP. IV.

AN ACT to divide the town of Pike, in the county of Allegany.

Passed January 15, 1819.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That from and after the first day of March next, all that part of the town of Pike, in the county of Allegany, known by the name of the sixth township and second range of the Holland purchase, be and the same is hereby erected into a separate town by the name of Centerville, and the first town-meeting shall be held at the house of Simeon Forbes, in said town, and on the first Tuesday of March next, and annually thereafter; and all the remaining part of the town of Pike, shall be and remain a separate town by the name of Pike, and the first town meeting shall be held at the time and place to which it now stands adjourned.

II. *And be it further enacted*, That as soon as may be after the first Tuesday in April next, the supervisors, and overseers of the poor, of the said towns of Pike and Centerville, on notice first to be given by the said supervisors for that purpose, shall meet together and divide the money and poor belonging to the said town of Pike previous to the division of said town, agreeable to the last tax list, and that each of the said towns shall forever thereafter respectively maintain their own poor.

CHAP. V.

AN ACT to confirm the appointment of *Brigade Courts Martial*, and their proceedings.

Passed January 15, 1819.

I. BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the appointment of every brigade court martial, since the first day of June last, whether by a brigadier in commission, or by the commanding officer of such brigade, and all and every act and proceeding of such court martial, shall be as valid and effectual as if such court had been regularly appointed before the said first day of June, and the several presidents of such courts may issue executions for the collection of all fines imposed by such courts, notwithstanding the time limited by the act to organize the militia may have expired before the issuing of the same.

II. And be it further enacted, That the proceedings of every brigade court martial heretofore appointed by a major-general within his division, in case of any brigade not being under the actual command of a brigadier-general, shall be and the same are hereby declared as valid as if the same had been appointed by the officer properly commanding the brigade.

CHAP. VI.

AN ACT to amend "*an act concerning the fire department of the city of New-York,*" passed February 28th, 1817.

Passed January 15, 1819.

WHEREAS, the reference in the second section of the above mentioned act is to the act of 1813, instead of the act entitled, "*an act for the more effectual prevention of fires in the city of New-York,*" passed April 11th, 1815: Therefore,

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the fines and penalties imposed by so much of the law passed April 11th, 1815, entitled, "*an act for the more effectual prevention of fires in the city of New-York,*" as relates to the more effectual prevention of fires, shall and may be recovered, with costs of suit, in any court of record within this state, by the fire department of the city of New-York, for their own use, and that the second section of the act hereby amended be and the same is hereby repealed.

CHAP. VII.

AN ACT to amend an act entitled, an act to appoint commissioners to lay out and improve a road through the Caneadea reservation, in the towns of Nunda and Caneadea, in the county of Allegany.

Passed January 29, 1819.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the commissioners named in the act hereby amended, or any two of them, to lay out so much of the money appropriated by said act as will be necessary for the making of three-fourths of a mile of road along the narrows of the Genesee river, near said reservation.

CHAP. VIII.

AN ACT regulating the fees of the Coroner in the city of New-York.

Passed January 29, 1819.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the coroner for the city and county of New-York, shall not be entitled to receive more than five dollars for viewing a body, and taking and returning an inquisition.

CHAP. IX.

AN ACT to postpone the public sale of the Tickets in the Literature Lottery Number One.

Passed February 4, 1819.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the managers of the said Lottery to postpone the sale by public auction of the tickets therein, for any term of time that they and the comptroller of the state may deem proper, not exceeding sixty days, any law to the contrary notwithstanding.

CHAP. X.

AN ACT to empower the Lenox Iron Company to increase their Capital.

Passed February 4, 1819.

WHEREAS the Lenox Iron Company have, under their common seal, in connection with all the stockholders who now belong

to or have any stock in said company, represented by their petition, that the capital of the said company is too small, and have prayed that they may be authorized to increase the same: Therefore,

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly,* That it shall and may be lawful for the Lenox Iron Company to increase their capital, from time to time, as the trustees thereof may find it convenient and necessary: *Provided,* That it shall not be lawful for the said company to increase their capital more than ten thousand dollars.

II. *And be it further enacted,* That it shall and may be lawful for the trustees of the said Lenox Iron Company, to call and demand from the stockholders respectively twenty-five dollars upon each share of stock which they may hold in said company, in addition to what they have already paid, at such times, and in such proportions, as they may deem proper, under pain of forfeiting the shares of the said stockholders, and all previous payments made thereon, if such payments shall not be made within sixty days after a notice requiring such payment has been published in a newspaper printed nearest to the place where the said company carry on their manufacturing operations: *Provided always,* That the said trustees shall not have power to call or demand of the stockholders respectively more than five dollars on each share of stock in any one year, nor more than three dollars at any one call.

CHAP. XI.

AN ACT to alter the style of the Aqueduct Association, in the village of Catskill.

Passed February 5, 1819.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the Aqueduct Association, in the village of Catskill, from and after the passing of this act, to transact their banking operations, and to do every other act and thing, which by the act entitled, "an act relative to the Aqueduct Association, in the village of Catskill," they are authorized and empowered to do, by the name and style of "The President, Directors and Company of the Green County Bank," and by that name they and their successors, until the first day of May, in the year one thousand eight hundred and thirty-two, shall and may have succession; and shall be in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever; and that they and their successors may have a common seal, and may change and alter the same at their pleasure.

CHAP. XII.

AN ACT to amend an act entitled, "*an act authorising the appointment of Gaugers and Inspectors of Fish Oils.*"

Passed February 5, 1819.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That from and after the passing of this act, liver oil, commonly called fish oil, shall be inspected, agreeably to the provisions of the act passed March 31st, 1818, and hereby amended, and that all other oils shall be exempt from inspection, any thing in the act hereby amended to the contrary notwithstanding.

CHAP. XIII.

AN ACT for the relief of the Trustees of the Third Congregation of the Associate Reformed Church in the city of New-York.

Passed February 5, 1819.

I. BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the trustees of the religious society or congregation, in the city of New-York, incorporated by the name of "the trustees of the third congregation of the associate reformed church, in the city of New-York," or their successors, and they are hereby authorized and empowered, at such time, and in such manner, as they, or a majority of them, shall deem most conducive to the interests of the said congregation, to sell and convey to any person or persons whomsoever, all those two certain lots, pieces or parcels of land, situate, lying and being in the third (late the fifth) ward of the city of New-York, in the rear of the lots on which the church belonging to the said corporation is erected, and fronting upon Warren-street, or any part or parcel thereof, or any right, title, equity of redemption, interest or estate of the said corporation or trustees, or of the said congregation, of, in or to the same; and that any deed or deeds, or conveyance, of the same, executed under the corporate seal of the said trustees or corporation, subscribed by their presiding trustee for the time being, and attested by their clerk, shall be valid and effectual to convey to the purchaser or purchasers, his, her or their heirs and assigns, in fee simple, or otherwise, according to the nature of the estate intended to be granted and conveyed, all the right, title and interest of the said corporation or trustees, and of the said congregation, of, in and to the same.

II. And be it further enacted, That it shall and henceforth may be lawful for the said trustees, and their successors, to have, take and hold real and personal estate of an annual value or income not exceeding ten thousand dollars; any thing contained in

the act entitled, "an act to provide for the incorporation of religious societies," or any other law to the contrary notwithstanding: *And further*, That it shall not be necessary or requisite for the treasurer of the said corporation, or for the said trustees or their successors, to exhibit such an account or inventory of their estate, or of the annual revenue arising therefrom, as is mentioned and required in and by the tenth section of the act aforesaid, until the first day of April, which will be in the year of our Lord one thousand eight hundred and twenty-two; nor shall it be necessary or requisite for him or them, in any account hereafter to be exhibited under and in pursuance of the act aforesaid, or of this act, to specify or state the annual revenue or income heretofore received by him or them, whether arising from the estate real or personal of the said trustees or corporation, or from any other means or source whatsoever.

III. *And be it further enacted*, That for the purpose of raising funds or providing means for paying the debts of the said corporation, or for other purposes necessary to the convenient and advantageous management of its concerns, it shall and may be lawful for the said trustees, and their successors, and they are hereby authorised and empowered to mortgage, in fee, or otherwise, the whole or any part of the real estate now belonging, or which may hereafter belong to the said corporation; and that any deed, or deeds, or conveyance by way of mortgage, executed in the manner mentioned in the first section of this act, shall be valid and effectual to vest in the mortgagee, or mortgagees, and his, her or their legal representatives, all the right, title and interest of the said corporation or trustees, in and to the premises so mortgaged, or intended to be mortgaged, in the same manner, and with the same effect, as if such premises were owned by a natural person, and were duly mortgaged, by him or her, according to law.

CHAP. XIV.

AN ACT to authorise the Commissioners of Highways to lay out a public highway in the town of New-Utrecht, in the county of Kings.

Passed February 5, 1819.

WHEREAS sundry of the freeholders and inhabitants of the town of New-Utrecht, in the county of Kings, have, by their petition, represented to the legislature, that a certain public highway, of two rods wide, is required in the said town for the public accommodation, but that the same cannot be carried into effect without legislative provision, in as much as all public highways to be laid out in the counties of Suffolk, Queens and Kings are required, by a law of this state, to be three rods wide: Therefore,

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for the commissioners of highways of the town of New-Utrecht, in the county of Kings, or a majority of them, to lay out

a public highway in the said town of two rods wide, from the end of the lane or highway between the farms of Simon Bergen and Winant Bennet, opposite to the dwelling-house of Peter Stellenwerf, to the lane or highway that leads to the river or narrows, between the farms of William Bennet and Rulof Van Brunt, so that the one equal half of the width of the said highway shall run over the rear of the lands of Simon Bergen, Jacob Cropsey, William and Gerardus Post and William Bennet, and the other equal half thereof over the adjoining lands, any law to the contrary notwithstanding.

II. *And be it further enacted*, That the said commissioners of highways, shall in all respects, except as to the width of the said highway, be regulated in laying out the same by the directions and provisions of the act entitled, "an act to regulate highways in the counties of Suffolk, Queens and Kings," passed April 2d, 1813.

CHAP. XV.

AN ACT to amend an act entitled, "an act declaring the Scroon river a public highway.

Passed February 5, 1819.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That from and after the passing of this act, it shall and may be lawful for any person or persons, for the purpose of securing lumber in the Scroon river, between the counties of Washington and Essex, to make and extend booms in said river in any direction whatever; and booms so extended shall not be deemed or considered obstructions in law: *Provided*, That a space of forty feet wide on either side of said river shall at all times be kept open and clear for the purpose of rafting through lumber.

II. *And be it further enacted*, That any person or persons, cutting or destroying any such booms so made, or shall be the means of so doing, whereby any lumber secured in the same shall be removed, any such person, so offending, shall be liable to a penalty of fifty dollars, at the suit of the party grieved, and to pay to the owner or owners of such lumber treble damages: *And further*, That all acts heretofore made respecting lumber on the Hudson river, are hereby declared to apply, in every respect, to the said Scroon river.

CHAP. XVI.

AN ACT to appoint a Treasurer of this State.

Passed February 12, 1819.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That Gerrit L. Dox be and he

is hereby appointed treasurer of this state, to remain in office until the twelfth day of February, in the year of our Lord one thousand eight hundred and twenty.

CHAP. XVII.

AN ACT *for the relief of James Dean.*

Passed February 12, 1819.

WHEREAS lot number sixty-five, in township number three, of the tract of land formerly set apart, in the county of Clinton, for the military, containing eight hundred and fifty-three acres and one third of an acre, was granted to James Dean, by letters patent, issued by the commissioners of the land office, dated April 4th, one thousand eight hundred and five, conditioned that there should be one actual settlement made on said lot for every six hundred and forty acres thereof, within the term of seven years from January first, one thousand eight hundred and six: *And whereas* the insertion of said condition was not warranted by the act authorizing said grant: Therefore,

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the condition in said letters patent requiring actual settlement on said lot of land is hereby declared to be void.

CHAP. XVIII.

AN ACT *to amend an act entitled, "an act to reduce several laws relating particularly to the city of New-York into one act, so far as the same relates to the Master and Wardens, Harbor Masters and Pilots of the port of New-York, and their duties, and for other purposes."*

Passed February 19, 1819.

I. *Be it enacted by the people of the State of New-York,* Board of wardens established. *represented in Senate and Assembly,* That there shall be and hereby is established a board of wardens for the port of New-York, to consist of a master and five wardens; and that it shall and may be lawful to and for the person administering the government of this state for the time being, by and with the advice and consent of the council of appointment, from time to time, and as often as shall be necessary, to appoint one fit and proper person to be master, and five other fit and proper persons to be wardens of the said port of New-York, who shall be experienced seamen, having commanded a ship for two or more years, or who shall have been branch pilots to and from the port of New-York, who shall respectively hold their offices during the pleasure of the said council; and that the said master and wardens, and their successors in office, shall compose the said board of wardens hereby established, To be experienced seamen or pilots.

Name. and shall be called and known by the name of "the master and wardens of the port of New-York," and shall have full power and authority to have and use a common seal, with such device as they may think proper, and the same to break, alter and renew at their pleasure; and the said master shall have power and authority to administer to any person or persons, any oath or oaths, affirmation or affirmations, touching or concerning the business of the said board of wardens: *And further*, That all fines, penalties and forfeitures arising under such parts of this act as relates to the master and wardens aforesaid, or the rules and regulations to be made by the said board of wardens, in pursuance thereof, shall and may be sued for and recovered, in any court having cognizance thereof, by the said board of wardens, or their successors, by their said name

Proviso. of "the master and wardens of the port of New-York:" *Provided however*, That the several persons who now are master and wardens of the said port of New-York, shall and may respectively continue in office until they shall respectively be superseded, or others shall be appointed in their stead.

To take an oath.

II. *And be it further enacted*, That each and every person who hath been, or at any time hereafter shall be appointed to be master or wardens of the port of New-York, shall, before he enters upon the duties of his office, take and subscribe an oath or affirmation before the mayor, recorder, or one of the aldermen of the city of New-York, in the following words: "I, _____, will well, truly and faithfully, according to the best of my skill and understanding, execute and perform the powers and duties vested in or enjoined upon me by law, as master, (or as one of the wardens, as the case may be,) of the port of New-York;" which oath or affirmation shall be filed in the office of the clerk of the city and county of New-York.

To appoint a clerk.

III. *And be it further enacted*, That the said board of wardens, or a majority of them, shall and may, from time to time, appoint a clerk, who shall not be one of the said board; and which said board of wardens shall keep an office in the city of New-York, at which office, a majority of the said master and wardens, and their clerk, shall give attendance daily, (Sundays and public holidays and the fourth day of July excepted) and that the said board of wardens shall cause to be made, and kept by their clerk, in a book or books by them to be provided for that purpose, regular and fair minutes and entries of all orders, regulations, transactions and proceedings of the said board, under and by virtue of this act; and which said book or books of entries, shall and may be inspected by any person or persons desiring to inspect the same, such person or persons desiring to inspect the same paying to the said clerk twelve and an half cents each time the said books shall, at his or their request be opened and examined: *And further*, That the said clerk shall give true copies of any such entries or minutes, so to be made in the said book or books, to such person or persons as may require the same, such person or persons paying therefor to the said clerk one cent for every twelve words or figures such copy shall contain.

Foreign vessels to be reported to the board.

IV. *And be it further enacted*, That the master, or one of the owners or consignees, of every vessel arriving at the port of New-

York, (except vessels belonging to a citizen or citizens of the United States, and excepting also the vessels of other nations that are permitted by the laws of the United States to enter on the same terms as vessels belonging to a citizen or citizens of the United States) shall report such vessel at the office of the said board of wardens, within forty-eight hours after the arrival of such vessel at the said port of New-York, under the penalty of fifty dollars for each and every neglect or omission so to do; and shall, at the time of making such report, pay to the said board of wardens, for each respective vessel, (one fourth part thereof for the use of the pilot who shall have so pilotted and made report of such vessel, as herein before directed, and the residue thereof for the use of the said master and wardens) the sums following: that is to say, the sum of four dollars if of less than one hundred tons burthen, and the sum of six dollars if of the burthen of more than one hundred and less than two hundred tons, and the sum of eight dollars if of the burthen of two hundred tons, or more, but of less than three hundred tons burthen, and the sum of ten dollars if of the burthen of three hundred tons or upwards; which said respective sums, so made payable for such vessels respectively, so arriving at the said port of New-York, shall and may be sued for and recovered, with costs of suit, in an action of debt, or upon the case, by the said board of wardens by their said name of "the master and wardens of the port of New-York," of or from the master, or the owner or owners, or consignees of such vessel, or any or either of them, in any court having cognizance thereof.

Under the penalty of fifty dollars.

Fees to be paid to the wardens.

V. And be it further enacted, That the said master and wardens of the said port of New-York, or any two of them, with the assistance of one or more skilful carpenters, shall be surveyors of any vessel deemed unfit to proceed to sea; and the said master and wardens, or any two of them, shall be judges of the repairs which may be necessary for the safety of such vessel on the intended voyage; and in all cases of vessels and goods arriving damaged, and by the owner or consignees required to be sold at public auction, on account of such damage, and for the benefit of underwriters out of the city of New-York, such sale shall be made under the inspection of the master and wardens, or some one of them, which master and wardens shall, when required by the owner or consignee aforesaid, certify the cause of such damage, the amount of sale of such vessel or goods, and the charges attending the sale, and shall be allowed for their services on board of, or relating to vessels or goods belonging to a citizen or citizens of the United States, or to vessels or goods belonging to citizens or subjects of other nations that are permitted, by the laws of the United States, to enter on the same terms as vessels belonging to a citizen or citizens of the United States, at and after the rate of one and a half per cent. on the gross amount of sales thereof; and for each and every survey on board of any ship or vessel, or at any store in the city of New-York, or along the docks or wharves thereof, on damaged goods, they shall severally be allowed the sum of one dollar and fifty cents; for each and every certificate, given in consequence of damaged goods, one dollar and twenty-five cents; and for every survey on board of any ship or vessel, put into the said port in

Vessels unfit for sea how to be inspected.

Goods damaged to be sold under the inspection of the wardens.

Fees to be paid them.

distress, to ascertain the damages sustained, they shall severally be allowed the sum of two dollars and fifty cents; and for each and every certificate given of damages sustained by any ship or vessel, put into the said port in distress, and recording the same, two dollars and fifty cents; and shall, in like manner, be allowed for their services on board of or relating to any vessel paying foreign duties and tonnage, for the services aforesaid, double the amount of fees herein above specified.

Emoluments to be equally divided.

VI. *And be it further enacted*, That all the emoluments granted to the master and wardens by this act, shall be equally divided amongst them and their clerk.

Branch pilots to be appointed.

VII. *And be it further enacted*, That it shall and may be lawful to and for the person administering the government of this state, by and with the advice and consent of the council of appointment, (or in case of any vacancy in the recess of said council, it shall and may be lawful for the said board of wardens) to appoint and commission as often, and from time to time, as they may deem necessary, a sufficient number of fit and proper persons, not exceeding thirty in the whole, to be branch pilots of the port of New-York, so far as relates to the pilotage of ships and vessels to and

Proviso. from the said port by the way of Sandy Hook: *Provided nevertheless*, That no person shall be commissioned as a branch pilot, who shall not have served at least five years as an apprentice to a branch or licensed pilot, and who shall not have served at least three years as a deputy pilot to a branch or licensed pilot in that navigation, and until he shall produce a certificate from the master and wardens of the said port, or a majority of them, under their hands, that he is duly qualified for such office: *And provided further*, That if any such appointments are made, during the recess of the council, they shall be reported at the next meeting of the council, who shall thereupon confirm or reject such appointments.

Proviso.

A committee to be chosen by the pilots to report delinquents, &c

VIII. *And be it further enacted*, That it shall and may be lawful for the Sandy Hook pilots now acting, and those who may hereafter, from time to time, be appointed, to elect one pilot from each pilot boat engaged in the service of said Sandy Hook pilotage, who together shall form a committee, whose duty it shall be to report, from time to time, to the board of wardens, any and all delinquents who shall neglect their duty, or be guilty of any impropriety in their conduct as pilots; and the said committee shall also inspect the conduct of the apprentices and boat keepers engaged in such service, and see that they are well instructed in their profession; and at the close of their apprenticeship, it shall be the duty of said committee to report such apprentices and boat keepers as are found worthy of becoming deputy pilots to the board of wardens of the city of New-York; and in case the committee of pilots shall neglect or refuse to recommend to the said board of wardens the said apprentices or boat keepers, on the expiration of their apprenticeship, the wardens may summon the said committee of pilots to appear and shew cause; and if they do not shew good and sufficient cause, or if the pilots shall neglect to appoint such committee, then the said board may proceed to license such apprentices as are not recommended by the committee of pilots to be deputy pilots.

IX. *And be it further enacted,* That the said board of wardens shall meet at their office in the city of New-York, on Monday, in every week, and at such other time and times as the master, or any three of the wardens, may direct and appoint; and that the said board of wardens, (any four of whom shall be a quorum) shall have full power and authority, when so met, from time to time, to grant branches and licenses, under the limitations herein-after in that behalf prescribed, to such and so many fit and proper persons as the said board of wardens may judge sufficient and necessary, to act as pilots for the safe pilotage of ships and vessels to and from the port of New-York through the channel of the east river, commonly called Hell-Gate; and also to grant licenses to such person or persons as the said board shall approve of, to act as deputy pilots under the branch pilots commissioned by virtue of the seventh section of this act, not exceeding the whole number of pilots thus to be appointed: *Provided*, That no person whatever shall be eligible to the office of a deputy pilot in the said service unless such applicant shall have served an apprenticeship, or been a boat keeper at least five years in succession in the said service, under lawful indentures, and under one or more of the said branch pilots: *Provided nevertheless*, That apprentices who were such on the fourteenth day of April, in the year of our Lord one thousand eight hundred and seventeen, and shall serve out their apprenticeship agreeably to the terms of their indentures, shall be eligible to the office of a deputy pilot, any thing in this act to the contrary notwithstanding: *Provided always*, That the recommendation required by the eighth section of this act, and the proceedings therein pointed out, shall be had previous to such appointment: *And further*, That the said board of wardens shall have full power and authority, at any time or times, to revoke and annul any branch or license that may be by them granted to any person to act as pilot of any description, or as deputy pilot, or to suspend any branch pilot appointed by them or otherwise, or deputy pilot from acting as a branch or deputy pilot, for any period of time they may think proper: *And further*, That the said board of wardens shall have full power and authority, from time to time, to make and establish such rules, orders and regulations, not inconsistent with the constitution or the laws of this state, or of the United States, for the better government of the said pilots and deputy pilots, and with such fines and penalties, for the breach thereof, as the said board of wardens shall deem proper; and the same, from time to time, to revoke or amend; and the said board of wardens may, moreover, by their order, absolutely revoke the branch or license of any pilot or deputy pilot, or suspend him from acting as pilot or deputy pilot for such time as they may think proper, for breaking any such rule, order or regulation, or omitting any thing required by the same, or for acting in any manner contrary thereto; and in all cases whatever, a majority of the said board of wardens shall be sufficient to decide upon any matter or question before the said board, and the decisions, acts, orders and proceedings of such majority, shall in all cases be as valid, binding and effectual, to all intents and purposes, as if the said master and wardens had all of them been present and concurred therein: *Provided*, That be-

Meetings of the board.

Hell-Gate pilots.

Provide.

Provide.

Provide.

Licenses may be annulled.

Board may make rules.

Provide.

fore any pilot or deputy pilot shall be deprived of his branch or license, or suspended from acting thereunder, such pilot or deputy pilot shall be summoned by a notice in writing, to be delivered to him personally, or to be left at his usual place of abode, at least fifteen days before the time specified therein for his appearance, to appear before the said board of wardens, at such time as shall be specified in the said notice, to shew cause, if any he may have, against his suspension, or the revocation of his branch or license; and if such pilot or deputy pilot shall neglect or refuse to appear at the time specified in such notice, before the said board, or if the cause shewn by such pilot or deputy pilot against his suspension, or the revocation of his branch or license, shall not appear sufficient and satisfactory to the said board, it shall and may be lawful for the said board, either to revoke the branch or license of such pilot or deputy pilot, or to suspend him from acting as a pilot or deputy pilot, as they may judge proper; and an entry shall thereupon be made, in the minutes of the said board of wardens, of such revocation or suspension, with the causes or reasons thereof; and any such pilot or deputy pilot, who may think himself aggrieved by the proceedings of the said board, under this section, or under any other section of this act, may, at any time within fifteen days thereafter, appeal therefrom to the mayor or recorder of the city of New-York, or to the governor of this state, in case he shall then be in the city of New-York; and the said board shall, if notified of such appeal, within the said fifteen days hereby limited and allowed for the making thereof, forthwith certify and return their said act and decision in the premises, with the causes and reasons thereof, to the said mayor or recorder of the city, or governor of the state, as the case may be, who, after hearing the proofs and allegations of the appellant, and of the said board, shall decide thereon, and confirm or reverse such act and decision of the said board of wardens, as to him shall seem just and proper; and such decision shall be final and conclusive, and shall be reduced to writing, and transmitted by the said mayor, recorder, or governor, to the said board of wardens, who shall conform themselves thereto: *Provided*, That the act of revocation or suspension appealed from, shall continue in force, and the appellant be absolutely disqualified and disabled from acting thereunder until the same shall be reversed: *And further*, That it shall be the duty of the said mayor, recorder, or governor, to decide upon the said appeal, and to transmit his decision to the said board of wardens within twenty days after making the said appeal by the appellant; and in default thereof, the act and decision appealed from shall stand confirmed of course: *And provided also*, That the several persons who now are branch or licensed pilots and deputy pilots of the port of New-York, may respectively continue in such their respective employments, unless their branches or licenses shall be suspended or revoked as aforesaid.

Apprentices
to be exam-
ined.

X. *And be it further enacted*, That it shall be the duty of the said board of wardens, before they grant a branch or license to any person applying therefor, to act as a pilot or as a deputy pilot of the port of New-York, to call such applicant before them, and in the presence of one or more of the branch pilots of the port of

New-York, who shall be personally notified to attend for the purpose, and whose duty it shall be to attend accordingly, and to assist in such examination; or in case of the non attendance of the pilot or pilots who shall be so notified to attend for that purpose, then without the assistance or presence of any branch pilot, to examine such person so applying for a branch or license to act as a pilot or deputy pilot, or to cause him to be examined, touching his qualifications for such an employment, and in particular touching his knowledge of the tides, soundings, bearings and distances of the several shoals, rocks, bars and points of land in the navigation for which he applies for a branch or license to act as a pilot or deputy pilot, and touching any other matter the said board of wardens may think proper; and if, upon such an examination, the person so applying shall be found and appear to the board to be of sufficient ability, skill and experience to act as a pilot, or as a deputy pilot, as the case may be, and not otherwise, the said board of wardens may grant him a license for piloting vessels by the way of Sandy Hook, or branch or license for piloting vessels through the channel of the east river, commonly called Hell-Gate, or for acting as a deputy pilot under a branch pilot, as such applicant shall desire, and be found qualified for.

XI. *And be it further enacted*, That all such branches or licenses so to be granted by the said board of wardens, to persons to act as pilots or as deputy pilots, shall be under the seal of the said board of wardens, and shall be signed by the master, or in case of his death, absence, or inability to act, by one of the wardens, and shall be attested by the clerk of the said board, or the person acting as clerk for the time being; and which branches or licenses shall be in force, unless revoked, (and except during the suspension of the pilot or deputy pilot acting under the same when suspended,) from the time of the granting thereof, until the same shall be revoked by the wardens as aforesaid; and if any person whomsoever, not being licensed as aforesaid, or who shall be suspended by the board of wardens, shall, under any pretence whatever, at any time after the passing of this act, pilot or offer to pilot, any ship or vessel, to or from the port of New-York, by the way of Sandy Hook for hire, or any compensation for such pilotage, when a branch pilot or deputy pilot offers, he shall forfeit and pay to the said board of wardens the sum of fifty dollars for each and every vessel he shall so pilot, or offer to pilot; or if any such person shall pilot, or offer to pilot, any ship or vessel, other than vessels employed in the coasting trade between the port of New-York and any other port of the United States, through the Sound or Hell-Gate, or shall pilot or offer to pilot, in like manner, any coasting vessel exhibiting the usual signal for a pilot to come on board, when a branch pilot or deputy pilot offers, he shall forfeit and pay the sum of thirty dollars for each and every vessel he shall pilot or offer to pilot: *Provided*, That in all cases where vessels shall be within sight of Sandy Hook, with the usual signal for a pilot, and no pilot offering for four hours, from the first of April to the first of November, and two hours from the first of November to the first of April, it shall be lawful for any qualified person to pilot the said vessel into port: *Provided*, That if after any ves-

Licenses to be under seal.

Provido.

Provido.

sel shall be so taken in charge by any person so qualified as aforesaid, and any branch or deputy pilot shall board and take charge, or offer to pilot such ship or vessel into port, he shall be entitled to receive the pilotage allowed by this law from the place he shall so take charge, or offer to take charge, of such ship or vessel.

Deputy pilots
may be ap-
pointed.

XII. *And be it further enacted*, That each branch pilot may have one deputy under him, to be appointed and licensed by the said board of wardens, to act as a deputy pilot under such branch pilot; and which said deputy pilot shall be subject to the same regulations, and liable to the same fines, forfeitures and penalties as branch pilots; and that every branch pilot and deputy pilot of the port of New-York, before he enters on his employment as a pilot, or as a deputy pilot, under such branch or license, shall enter into a recognizance, to the people of this state, before the mayor or recorder of the city of New-York, with two sufficient sureties, to be approved of by the said board of wardens, each in the penalty of two hundred and fifty dollars, with condition, that he will diligently and faithfully execute the trust reposed in him, and the duties required of him, as such pilot, or deputy pilot, as the case may be, according to the directions of this act, and such rules, orders and regulations as may be given him in pursuance thereof; and every such recognizance, if forfeited, may, at the instance of the said board of wardens, or on the request of any party aggrieved, be prosecuted under the directions of the said board of wardens, in any court having cognizance thereof, to judgment and execution, as in other cases; and the amount of such recognizance, when received, shall, by order of the court in which the same shall be recovered, be so paid to the said board of wardens; and the said board shall, in such case, and also at any time after suit brought on such recognizance, if required by any party interested therein, examine into and ascertain the damages sustained by the party so aggrieved, and shall apply the monies which may be so recovered by them, or as much thereof as shall be required for the purpose, in or towards the payment of the damages so ascertained, and shall make report, in writing, to the court in which such recovery shall be had, of the damages so ascertained, and of the payment so made, for or on account thereof: *Provided always*, That if the branch pilot or deputy pilot, so offending, shall, before judgment obtained on his recognizance as aforesaid, pay to the party aggrieved the damages to be ascertained by the board of wardens, in manner aforesaid, together with the costs of suit, the suit, on such recognizance, shall be discontinued.

To enter into
a recogniz-
ance.

Provide.

Not less than
5 boats to be
kept by way
of Sandyhook

XIII. *And be it further enacted*. That the branch pilots herein above mentioned, shall, from and after the passing of this act, keep and maintain, in the piloting service to and from the port of New-York, by way of Sandy Hook, not less than five good and sufficient pilot boats, such as shall be for that purpose examined and approved of by the said board of wardens; and that such boats shall be registered in the said warden's office; and it shall also be the duty of the masters of such boat or boats, to report, in writing, to the said board of wardens, at their said office, in the city of New-York, on the first days of May and November, in each and every year, the names and numbers of the branch and

deputy pilots, boat keepers and apprentices, attached to the said boat or boats respectively : *And further*, That each and every pilot, and master of a pilot boat, offending against the foregoing provisions of this section, shall forfeit and pay to the said board of wardens, for each and every offence, the sum of fifty dollars : *And further*, That it shall not be lawful for more than two boats crews, not exceeding twenty persons in all, pilots and deputy pilots included, but exclusive of apprentices, to be in partnership, or have a joint or common interest or concern in this business as pilots, or in the pilotage, profits or emoluments thereof, without a special permit, in writing, for that purpose, from the said board of wardens ; and each and every pilot or deputy pilot, offending against the provisions of this section, shall forfeit and pay, for each and every offence, the sum of fifty dollars ; and every continuance of such partnership, or other joint or common interest or concern, after suit brought against such offender, notwithstanding that the same may be varied or altered as to parties or terms, or otherwise, and whether the same shall be so varied or altered, or not, shall be deemed a new offence in each and every person so continuing the same, who shall forfeit and pay the like sum of fifty dollars for each and every such continuance thereof, and so from time to time, on each and every subsequent suit brought ; or it shall be lawful for the board of wardens, in their discretion, to revoke the license of any pilot or deputy pilot who shall offend against the provisions of this section, or to suspend him from acting as pilot or deputy pilot for such time as the said board shall think proper.

Partnerships regulated.

XIV. *And be it further enacted*, That if any pilot or deputy pilot shall misbehave, when in the execution of his duty, it shall and may be lawful to and for the board of wardens, on complaint thereof made to them, to appoint a time and place of hearing, whereof fifteen days notice shall be given to such pilot or deputy pilot, and on due proof being made to the said board of wardens, to their satisfaction, of misbehaviour of such pilot or deputy pilot, to fine such pilot or deputy pilot therefor, in any sum not exceeding twenty-five dollars, or to suspend him for any term which the said board may think proper : *Provided always*, That nothing herein contained shall be so construed as to prevent the owner or consignee of such vessel, or any other person or persons, from recovering his or their damages, if any, by occasion of such misbehaviour of such pilot or deputy pilot, in any court having cognizance of the same.

Pilots or deputy pilots who misbehave to be fined or suspended.

Proviso.

XV. *And be it further enacted*, That if any pilot or deputy pilot shall negligently or carelessly lose any vessel under his care, and be thereof convicted by due course of law, he shall forever after such conviction be incapable of acting as a pilot or a deputy pilot in this state ; and if any pilot or deputy pilot shall run any vessel on shore, he shall not be entitled to any pilotage for such vessel.

Punishment of pilot for losing a vessel.

XVI. *And be it further enacted*, That in case of the suspension of any pilot or deputy pilot, such pilot or deputy pilot, so suspended, shall forthwith deliver up his branch or license to the said board of wardens, to be by them kept until the time for

On suspension of pilot to deliver up license

which he shall be so suspended shall be expired, under the penalty of one hundred dollars for each and every refusal so to do.

None but pilots or deputies to be concerned in the boats,

XVII. *And be it further enacted*, That the said master and wardens, or either of them, or any other person not being a branch pilot or deputy pilot, shall not be concerned, directly or indirectly, in any pilot boat, or with any pilot in respect to the business of his trust.

Printed instructions to be given to pilots and deputies.

XVIII. *And be it further enacted*, That the said board of wardens shall furnish every pilot or deputy pilot aforesaid, with printed instructions, to be shewn by such pilot or deputy pilot, to the master or commander of every vessel, as soon as he shall go on board to take charge of such vessel to pilot her into the said port, under the penalty of ten dollars for each and every neglect or refusal.

Pilots allowed extra fees on relieving vessels in distress.

XIX. *And be it further enacted*, That the master, owner or consignee of any ship or vessel, appearing in distress, and in want of a pilot, on the coast, shall pay unto such branch pilot or deputy pilot, who shall have exerted himself for the preservation of such ship or vessel, such sum, for extra services, as the said master, owner or consignee and pilot can agree upon; and in case no such agreement can be made, the board of wardens shall determine what is a reasonable reward; and the sum so determined by them shall be paid in manner aforesaid.

Penalty for refusing to receive a pilot on board a vessel.

XX. *And be it further enacted*, That if the master of any ship or vessel, coming into or going out of the port of New-York, except schooners and sloops employed in the coasting trade, and licensed for that purpose, not over seventy tons burthen, (unless such vessel shall make the usual signal for the pilot) shall refuse to receive on board and employ a pilot, the master or owner of such vessel shall pay to such pilot who shall have offered to go on board and take charge of the pilotage of such vessel, half pilotage from the place at which such pilot shall have offered himself, to the said port of New-York.

Allowance to pilots carried to sea.

XXI. *And be it further enacted*, That if any vessel going out of the port of New-York, shall carry off to sea, through the default of the master or owner of such vessel, any pilot or deputy pilot, when a boat is attending to receive such pilot or deputy pilot from on board such vessel, the master, owner or consignee of such vessel, shall pay the board of wardens aforesaid, for the use of such pilot or deputy pilot, besides the pilotage of such vessel, at and after the rate of seventy-five dollars per month, until such pilot or deputy pilot shall return to the port of New-York aforesaid.

Fees allowed to pilots by way of Sandy Hook.

XXII. *And be it further enacted*, That it shall be lawful for every branch pilot or deputy pilot aforesaid, to ask and receive pilotage from any person or persons who shall employ him to pilot any ship or vessel from the eastward or southward of the white buoy, situate on the eastern edge of the outer middle ground, near the bar, to the port of New-York, and shall there safely moor such vessel, or take her to a proper wharf, as the master, owner or consignee of such ship or vessel may desire, and likewise from any person or persons who shall employ him to pilot any ship or other vessel from the port of New-York to the eastward or southward of

the said white buoy, so far that such vessel may safely proceed to sea, at and after the rates following, to wit: for ships and vessels of the United States, and for vessels of other nations that are permitted by the laws of the United States to enter on the same terms as vessels of the United States, the sums following, viz. for every ship or vessel drawing less than fourteen feet, one dollar and fifty cents for every foot such ship or vessel shall draw; for every ship or vessel drawing fourteen feet, and less than eighteen feet, one dollar and seventy-five cents for every foot such ship or vessel shall draw; and for every ship or vessel drawing eighteen feet and upwards, two dollars and twenty-five cents for every foot such ship or vessel may draw; and for all other ships or vessels, an addition of one fourth to the above rates: *And further*, If the master or owner of any ship or vessel, having a pilot on board, shall choose to have his said ship or vessel moored at any place within Sandy Hook, and not destined to New-York as aforesaid, such pilot or deputy pilot shall be allowed the same rate of pilotage as if the said ship or vessel was moored or conducted to a proper wharf as aforesaid, and shall be entitled to his discharge from such ship or vessel within twenty-four hours thereafter: *Provided*, That no more than half pilotage, at the rate aforesaid, shall be demanded or received by any such pilot, who shall, to the westward of the said white buoy, take charge of any ship or vessel coming into the port of New-York: *And provided also*, That no pilotage whatever shall be demanded or received by any such pilot for any such ship or vessel coming into the said port of New-York, unless such pilot shall take charge of such ship or vessel to the southward of the upper middle ground, and such vessel be at least of the burthen of seventy tons, unless such vessel shall make the usual signal for a pilot, in which case it shall be the duty of such pilot to take charge of such vessel, and such pilot shall then be entitled to half pilotage therefor as aforesaid: *And further*, That between the first day of November and the first day of April, inclusive, in every year, such branch pilot or deputy pilot may ask and receive the additional sum of four dollars for every ship or other vessel drawing ten feet and upwards; and for every ship or other vessel, drawing less than ten feet water, the additional sum of two dollars.

XXIII. *And be it further enacted*, That it shall be lawful for every branch pilot or deputy pilot aforesaid, to ask and receive from any person or persons, who shall employ him to pilot any ship or other vessel, and which said ship or vessel shall be taken in charge by such branch pilot or deputy pilot, at such distance from land as that Sandy Hook light-house could not be seen from the deck of the said vessel, in the day time, in fair weather, the addition of one-fourth to the rates of pilotage allowed by virtue of the provisions of this act: *Provided nevertheless*, That the branch pilots and deputy pilots belonging to any boat which shall have piloted any ship or vessel into the port of New-York, by the way of Sandy Hook, shall be entitled to a preference in piloting the said ship or vessel out of the said port on the next outward voyage of the said ship or vessel, if the said voyage be by the way of Sandy Hook: *Provided also*, In case of non-attendance of some one of the said pilots or deputies, at the time and place required

Provide.

Fees on taking charge of a vessel at a certain distance from land.

Provide.

by the master, owner or consignee of such ship or vessel, that then it shall be lawful for the said master, owner or consignee to employ such other branch pilot or deputy pilot as they may think proper; and the said pilots or deputies shall, by such non-attendance, be deemed to have relinquished the preference provided for them as aforesaid; but in all other cases where there is no preference given as aforesaid, it shall be the duty of the board of wardens to apportion the vessels outward bound, by the way of Sandy Hook, as equal as may be, amongst the pilots and deputy pilots licensed for that purpose.

Fees for detention of pilot.

XXIV. *And be it further enacted*, That for every day which any pilot or deputy pilot shall be requested to remain, or be detained, on board any ship or vessel, by the master, owner or consignee, over and above the usual detentions of getting ships and vessels from the wharf to sea, and from sea to the wharf, he may demand and receive the sum of three dollars per day for each and every day he shall be so detained.

Fees of pilots through Hell Gate.

XXV. *And be it further enacted*, That every pilot licensed to pilot vessels through the channel of the east river, commonly called Hell-Gate, may demand and receive from the master of any ship or vessel, to whom he shall tender his services as a pilot, and by whom the same shall be refused, and for detention on board of any vessel, (over and above the usual detention of navigating vessels through the channel of the east river, commonly called Hell-Gate,) three-fourths of the rates of compensation herein before allowed to the other licensed pilots of the port of New-York in those cases; and in all other cases, they may demand and receive such rates of pilotage as shall be established by the board of wardens aforesaid, for such pilots: *Provided*, That nothing shall be demanded or received from the master or owners of any vessel employed in the coasting trade, and sailing under a coasting license through the East river or Sound, commonly called Hell-Gate, unless such vessel shall make the usual signal for a pilot.

Proviso.

Apprentices to be engaged.

XXVI. *And be it further enacted*, That to each and every boat in the pilot service, to and from the port of New-York, by the way of Sandy Hook, there shall be not less than two apprentices, who shall be indented to the master of the said boat or boats, or some other branch or deputy pilot attached to the said boat or boats, for a term not less than five years, (copies of which indentures shall be filed forthwith in the office of the said wardens) and it shall be the duty of the master pilot to whom such apprentices shall be indented, to attend diligently to the instruction of said apprentices, in the art and mystery of a pilot, and from time to time, and not less than once in every month of the two last years of the said apprenticeship, to take such apprentices on board of ships or other square rigged vessels, for the purpose of teaching said apprentices to work and manœuvre such ships or vessels: *And further*, That the said board of wardens shall, annually, in the month of May, cause all the said apprentices to be examined in their office, in the presence of two or more of the branch pilots, who are hereby required to attend for that purpose, touching and concerning their knowledge of the tides, bearing and distances of the several shoals, reefs, bars and points of land, currents and every other matter

the said board of wardens may think proper, tending to promote the safe navigation of vessels between the city of New-York and Sandy Hook.

XXVII. *And be it further enacted*, That the branch pilots, the deputy pilots, apprentices indented as above mentioned, and boat keepers, (to be selected from the deputy pilots or apprentices,) shall be the only persons employed in the pilot service to and from the port of New-York by the way of Sandy Hook. . .

Persons to be employed by way of Sandy Hook.

XXVIII. *And be it further enacted*, That it shall be the duty of every branch pilot, or deputy pilot, upon taking charge of any vessel, either outward or inward bound, to cause the lead to be regularly hove, and to see that the lead line is properly marked, and in default thereof, that he forfeit his pilotage.

The lead to be regularly hove.

XXIX. *And be it further enacted*, That in case the owner or consignee of any ship or vessel, shall not be satisfied with the amount of pilotage charged against such ship or vessel, by the branch or deputy pilot, for the pilotage of such ship or vessel, to or from the port of New-York, it shall be the duty of such pilot or deputy pilot, to have the amount of pilotage claimed by him as aforesaid, taxed or certified by the board of wardens of the said port, who are hereby required to examine and certify the same, without fee or reward; and that no suit or action shall be brought or maintained for such pilotage until the same shall be taxed or certified as aforesaid.

Amount of pilotage to be taxed by the wardens in case of dispute.

XXX. *And be it further enacted*, That in order to prevent intoxication in persons having the charge of ships and vessels, as pilots, that if any branch pilot or deputy pilot shall become intoxicated in charge of any ship or vessel, as pilot, he shall, for the first offence, forfeit his pilotage, be suspended from duty for six months, and in addition thereto forfeit and pay fifty dollars to the trustees of the pilot's charitable society; and for the second offence be deprived of his branch or license, as the case may be, and be forever thereafter incapable of acting as a pilot: *Provided always*, That the penalties aforesaid, or any other forfeitures or penalties incurred by virtue of this act, or by the rules and regulations of the master and wardens, made in conformity with this act, shall not be inflicted until such pilot or deputy pilot shall first have been summoned, and such other proceedings had, as are provided for by the ninth section of this act.

Penalty for intoxication.

XXXI. *And be it further enacted*, That the half pilotage authorised and directed to be paid by the twentieth section of this act, shall be paid to the trustees of the pilot's charitable society, to be by them appropriated, together with their other monies, in such manner as they may see fit, to the relief of distressed pilots, and the widows and children of deceased pilots.

Certain monies to be paid to the pilot's charitable society.

XXXII. *And be it further enacted*, That all forfeitures, fines and penalties, which shall or may be recovered and received by the said board of wardens, under and by virtue of this act, and not otherwise appropriated, shall be applied, in the first instance, for, in or towards the payment of such costs of suit and disbursements of the said board of wardens, in their prosecutions and proceedings, under this act, against offenders, as shall not be received by them from the party or parties so prosecuted or proceeded against:

Fines, &c. how to be applied.

and the overplus and residue thereof, if any overplus there should be, shall be accounted for and paid over, on the first Monday of June, in each and every year, to the pilot's charitable fund. in the city of New-York, for the use and benefit of that association.

Two harbour
masters to be
appointed.

XXXIII. *And be it further enacted*, That the person administering the government of this state, by and with the advice and consent of the council of appointment, shall, from time to time, appoint two proper persons to be harbour masters of the port of New-York, who shall respectively hold their office during the pleasure of the said council; and that the said harbour masters, before they enter upon the duties of their said office, shall respectively execute bonds, to the people of this state, with two sufficient sureties, to be approved of by the mayor or recorder of the city of New-York, each in the penal sum of two thousand five hundred dollars, conditioned for the faithful and impartial fulfilment of the duties required by this act, and shall also take an oath truly and faithfully to execute the same: *Provided however*, That the harbour masters already appointed shall continue in office until others are appointed as aforesaid.

Their duty.

XXXIV. *And be it further enacted*, That the said harbour masters shall jointly and severally perform all the duties, exercise all the powers, and divide equally between them all the emoluments imposed and authorised by this act: *Provided*, That the said harbour masters shall not have power or powers to appoint a deputy or deputies, unless in the following cases: that is to say, in case of the sickness of one or both of the said harbour masters, either of them may appoint a deputy or deputies to act during such sickness, and in case of the death of one of them, the surviving harbour master may appoint a deputy or deputies, to act until the council of appointment shall supply such vacancy.

Proviso.

To regulate
and station
vessels.

XXXV. *And be it further enacted*, That the said harbour masters shall have authority to regulate and station all ships and vessels in the stream of the east and north rivers, within the limits of the city of New-York, and the wharves thereof, and to remove, from time to time, such ships or vessels as are not employed in receiving and discharging their cargoes, to make room for such others as require to be more immediately accommodated, for the purpose of receiving or discharging their's; and as to the fact of their being fairly and *bona fide* employed in receiving or discharging their cargoes, the said harbour masters, or either of them, is hereby constituted the sole judge: *And further*, The said harbour masters, or either of them, shall have authority to determine how far, and in what instances, it is the duty of the masters and others, having charge of ships and vessels, to accommodate each other, in their respective situations; and if any master, or other person, having charge of any ship or vessel, shall refuse or neglect to obey the directions of the said harbour masters, or either of them, in matters within their authority to direct, or if any person shall resist or oppose the said harbour masters, or either of them, in the execution of the duties of their office, such master, or other person, having charge of any ship or vessel, or other person whatsoever, shall, for every such offence, forfeit and pay the sum of fifty dollars, to be recovered, with costs of suit, in the name of the trea-

surer of the hospital of the said city, before any court having cognizance thereof: All which fines, when collected, shall be paid to said treasurer, for the use of said hospital.

XXXVI. *And be it further enacted*, That the said harbour masters shall have power to demand and receive, from the commanders, owners and consignees, or either of them, on all ships or vessels of the United States, and on all ships or vessels of any foreign nation that are permitted by the laws of the United States to enter on the same terms as vessels of the United States, and which shall enter the said port of New-York, and load or unload, or make fast to any wharf therein, one and a half cent per ton, to be computed from the tonnage expressed in the register or enrolments of such ships and vessels respectively, and no more; and also on all other foreign ships or vessels which shall arrive at and enter the said port, and load, unload, or make fast to any wharf therein, double the amount of fees above specified, according to the rate of tonnage or burthen of said ships or vessels respectively, to be ascertained by their respective registers, or other documents on board the same: *Provided nevertheless*, That nothing whatsoever shall be demanded by the said harbour masters for the entrance into the port of New-York of any sloop or schooner employed in the coasting trade within the United States, unless upon the application of the master or person having charge of any such vessel employed in the coasting trade as aforesaid, the said harbour masters, or either of them, shall interfere and adjust any difference which may happen respecting the situation or position of any such coasting vessel; which difference said harbour masters, or either of them, are hereby authorised and required to hear and determine; in which case, the said harbour masters or either of them, may demand and receive, from the party in default in the premises, the sum of two dollars, and no more, for any difference so by him adjusted; to be sued for, and recovered, in the names, and for the use, of said harbour masters, in any court having cognizance thereof.

XXXVII. *And be it further enacted*, That the master, owner or consignees of any ship or vessel, subject to the payment of fees to the harbour masters as aforesaid, shall, within forty-eight hours after the arrival of such ship or vessel, pay the fees so due thereon, at the office of the said harbour masters, or one of them; and in default of such payment, if the same shall have been first duly demanded, such master, owner or consignee, on whom such demand shall have been previously made, shall forfeit and pay double the amount of such fees, to be sued for and recovered, in the names, and for the use, of the said harbour masters, in any court having cognizance thereof.

XXXVIII. *And be it further enacted*, That it shall be the duty of the said harbour masters to superintend and enforce the execution of all laws of this state, and by-laws of the corporation of the city of New-York, for cleaning the docks and wharves, and for preventing and removing all nuisances in or upon them, or either of them: And if the person or persons, whose duty it shall be to remove such nuisance, shall refuse or neglect to remove the same, within forty-eight hours after notice from the said harbour masters, or one of them, requiring such person or persons to remove the

same, the said harbour masters may thereupon demand and receive from such person or persons, so neglecting or refusing, the sum of two dollars and fifty cents; and in case of non-payment thereof, on demand, the same may be sued for and recovered, in the names of, and for the use of the said harbour masters, in any court having cognizance thereof.

Parts of a former act repealed.

XXXIX. *And be it further enacted*, That from the two hundred and seventy-fifth to the three hundred and tenth sections, inclusive, of the act hereby amended—the act entitled, “an act to regulate the fees of the harbour masters of the port of New-York”—the act entitled, “an act to amend the act entitled, an act relative to the pilots of the port of New-York”—the act entitled, an act to amend an act entitled, “an act to reduce several laws relating particularly to the city of New-York into one act,” passed April 14th, 1817—and the act entitled, “an act to revive and continue in force an act entitled, ‘an act relative to the pilots of the port of New-York,’ and also all other acts, or parts of acts, so far as the same relate to the master and wardens, harbour masters and pilots, of the port of New-York, and their duties, be and the same are hereby repealed, reserving all rights which have accrued under the same.

CHAP. XIX.

AN ACT *relative to Columbia College, in the city of New-York.*

Passed February 19, 1819.

WHEREAS it is of the first importance in a free state, that seminaries of learning should be carefully protected, and, from time to time, receive the fostering aid of the legislature: *And whereas*, with these views, all the right, title and interest of the people of this state in a certain piece or parcel of land, situate in the ninth ward of the city of New-York, called “The Botanic Garden,” was in and by an act of the legislature entitled, “an act instituting a lottery for the promotion of literature, and for other purposes,” passed April 13th, 1814, given and granted to Columbia College, subject to certain conditions therein specified: *And whereas* the said grant has not been productive of the benefits intended by the said act: Therefore,

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That that part of the sixth section of the act entitled, “an act instituting a lottery for the promotion of literature, and for other purposes,” passed April 13th, 1814, which contains a condition to the grant made to the trustees of Columbia College, that the College establishment shall be removed to the tract of land thereby granted, or to the lands adjacent thereto, and the seventh section of the said act, be and the same are hereby repealed.

II. *And be it further enacted*, That the sum of ten thousand dollars be paid by the treasurer, on the warrant of the comptroller, to the trustees of Columbia College, out of any monies not otherwise appropriated, to be applied by the said trustees as the interests of the said College may require.

CHAP. XX.

AN ACT for the Relief of Catharine B. Henderson.

Passed February 19, 1819.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That all the right and title of the people of this state in a certain farm or lot of land, situated in the town of Caledonia, in the county of Genesee, containing, as is said, one hundred and fifty-nine acres, whereof James McWilliam, a naturalized citizen of the United States, died seised, leaving no heirs to inherit the same, be and the same is hereby released to and vested in Catharine B. Henderson, late the widow of the said James McWilliam, and her heirs and assigns for ever.

CHAP. XXI.

AN ACT for the Relief of Benajah McCall.

Passed February 19, 1819.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall be lawful for, and the commissioners of the land-office are hereby required, to issue letters patent to Benajah McCall, and to his heirs and assigns, for one hundred acres of land, in the township of Sterling, in full compensation for the services of Nathan Delano, a private, furnished by him as the head of a class during the revolutionary war, to serve in the New-York state battalion.

CHAP. XXII.

AN ACT relative to Lot Number Sixty-four, in Freemason's Patent.

Passed February 19, 1819.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That if Nathan Underwood, John Washburn, Lewis B. Rider, Nancy Doolittle, and Nathan Underwood, junior, or either of them, occupants of lot number sixty-four, in Freemason's patent, shall, within nine months from the passing of this act, pay into the treasury of this state the one sixth part of the consideration for the land by them respectively occupied in the lot aforesaid, and respectively execute a mortgage to the people of this state for the residue, payable in eight years thereafter, with interest annually, at the rate of six per cent. per annum, the surveyor-general shall give a conveyance for such land, in the manner prescribed by law; and the consideration for such land shall be the sum at which the same was valued by the appraisement of Evans Wharry and John Meyer, and filed in the

surveyor-general's office on the twenty-eight day of June, in the year eighteen hundred and four, with the interest thereon, at the rate aforesaid, to be computed from the third day of April, eighteen hundred and eighteen. *And further*, That the same deduction of interest, which is by this act allowed to the occupants of lot number sixty-four aforesaid, who have not as yet taken their deeds for the respective parcels of the said lot in their possession, shall be allowed by the treasurer to those of the petitioners who have taken their deeds under the act of the fifteenth of April, eighteen hundred and seventeen, entitled "An act to direct the surveyor-general in regard to certain confiscated lands in the Freemason's patent, in the county of Oneida."

CHAP. XXIII.

AN ACT to amend an Act, entitled "*An Act to incorporate the Franklin Fire Insurance Company.*"

Passed February 19, 1819.

WHEREAS it has been represented by the memorial of the said company under their seal, that it would be of very great convenience to the said company and the persons who transact business with them, and conduce much to the dispatch of business, that the said company should be authorised to dispense with the use and application of their corporate seal to such contracts and policies of insurance as may hereafter be made and entered into by them, and praying the legislature to grant them such privilege. Therefore,

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the Franklin Fire Insurance Company to dispense with the use and application of their seal to such policies of insurance and contracts bounded thereon, as may hereafter be made and entered into by the said company, though not under their seal, if subscribed by their president, or president pro tempore, and countersigned by their secretary, or such other persons as shall be designated for that purpose by the by-laws of the said company, the same shall be binding and obligatory upon the said company to all intents and purposes, according to the tenor, intent and meaning of such contracts and policies, and that an action upon the case may be maintained thereon against the said company.

CHAP. XXIV.

AN ACT to empower the President, Directors and Company of the Bank of America to reduce their capital Stock.

Passed February 26, 1819.

WHEREAS the president, directors and company of the bank of America, have, under their common seal, represented, that the

capital stock of the said bank is large and inconvenient, and have prayed that they may be authorised to reduce the same. Therefore,

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for the president and directors of the said corporation to reduce the capital stock of the said corporation, from four millions of dollars to two millions of dollars, at such time or times, and in such manner, and subject to such regulations, as the president and directors of the said corporation may prescribe and adopt ; and when, and as soon, as the said capital shall be so reduced to two millions of dollars, it shall be the duty of the said corporation to give notice thereof, under their corporate seal, to the comptroller of this state, whereupon and from thence forward, the capital stock of the said corporation shall be and consist of two millions of dollars.

II. *And be it further enacted*, That the total amount of the debts which the said corporation shall, at any time, after the said reduction of the said capital stock, owe, whether by bond, bill, note, or other contract, shall not exceed three times the amount of the said capital stock, which may be so reduced as aforesaid, and in case of such excess, the directors, under whose administration it shall happen, shall be liable for the same in their separate and private capacities : but this shall not be construed to exempt the said corporation, or any estate, real or personal, which they may hold as a body corporate, from also being liable for such excess ; but such directors as shall have been absent when the said excess was contracted, or who may have dissented from the resolution or act whereby the same was so contracted, shall not be liable.

CHAP. XXV.

AN ACT declaratory of the Construction and Intent of the Act entitled " An Act to enable Aliens to purchase and hold real Estates, within this State under certain Restrictions therein mentioned," and to amend the same.

Passed March 5, 1819.

I. *BE it enacted and declared by the people of the State of New-York, represented in Senate and Assembly*, That all and every the deed and deeds, conveyance and conveyances, of or for any lands or tenements within this state, made to any alien or aliens, in pursuance of the act entitled, " An act to enable aliens to purchase and hold real estates within this state, under certain restrictions therein mentioned," passed the second day of April, one thousand seven hundred and ninety-eight, so far forth as relates to any question or plea of alienism, shall be deemed and adjudged valid and effectual to vest all and singular the lands and tenements described in, and intended to be conveyed by such deed or deeds, conveyance or conveyances, in the several grantees therein named, and their heirs and assigns, according to the nature of the estates thereby created, and in such manner as to authorize the said se-

veral grantees, and their respective heirs and assigns, being aliens, effectually to give, devise, grant, sell and convey the same, in fee or otherwise, to any other alien or aliens, not being the subject or subjects of some sovereign state or power, then at war with the United States of America, any thing in the said act contained, or any plea of alienism to the contrary notwithstanding.

II. *And be it further enacted*, That all and every the mortgage or mortgages, of and upon any of the said lands and tenements, which have been, or may hereafter be taken by the said grantees, or any of them, in order to secure the whole or any part of the consideration money arising on any sale or sales of the said lands and tenements, or any of them, shall be in like manner valid and effectual. And it shall and may be lawful for the mortgagees therein named, or any of them, their or any of their heirs or assigns, to re-purchase any of the said lands and tenements, on any sale or sales to be thereof made by virtue of any power contained or to be contained in any such mortgages, or by virtue of any judgment, order or decree of any court of law or equity, rendered or made, or to be rendered or made, in order to enforce the payment of such consideration money, or any part thereof, and to hold the same lands and tenements in like manner, and with the like authority, as is herein before expressed.

CHAP. XXVI.

AN ACT to enable the Minister, Elders and Deacons of the Reformed Protestant Dutch Church, in Garden-street, in the City of New-York, to hold real and personal Estate of the annual Value or Income therein mentioned.

Passed March 5, 1819.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the trustees of the religious congregation or society in the city of New-York, incorporated under an act of the legislature entitled, "An act to provide for the incorporation of religious societies," by the name and style of "The minister, elders and deacons of the reformed protestant Dutch church in Garden-street, in the city of New-York," to hold real and personal estate of an annual value or income not exceeding ten thousand dollars, any thing in the act entitled "An act to provide for the incorporation of religious societies," contained to the contrary notwithstanding: *Provided*, That the said property shall be such only as may be necessary for the purposes of such religious incorporation.

CHAP. XXVII.

AN ACT to authorise Sheriffs to summon a sufficient number of Constables to attend Courts, and to allow them a compensation for such attendance.

Passed March 5, 1819.

I. BE it enacted by the people of the State of New-York, Sheriff to
represented in Senate and Assembly, That it shall be the duty of summon con-
the sheriff of each city or county, in this state, within a reasonable stables or
time before the sitting of any circuit court, court of oyer and termi- marshals to
ner and gaol delivery, court of common pleas and general sessions attend courts.
of the peace, to summon so many marshals or constables of said
city or county as he may deem necessary, or as he may have been
directed to summon by the court, or the presiding judge thereof, to
appear and attend upon said court during the term so to be
held; and that the Marshal or constable of such city or county, not
summoned as aforesaid, shall not be bound to attend such court,
any law to the contrary notwithstanding: *Provided however, That* Proviso.
the marshals or constables so attending in the city and county of
New-York, shall each be allowed one dollar and fifty cents a day,
instead of the compensation now allowed by law, to be audited and
paid in like manner as by the existing laws relating to the said ci-
ty and county of New-York.

II. And be it further enacted, That it shall be the duty of the Town clerks
town clerk in each town, without delay, and as soon after town- to make re-
meeting as may be, to return to the clerk of his county, the names turns to coun-
of all the constables elected and qualified in such towns, and from ty clerks.
time to time, all those appointed by justices of the peace, or elect-
ed at any special town-meeting.

III. And be it further enacted, That every constable, so at- Allowance to
tending, shall be paid one dollar and twenty-five cents a day for constables.
his travel and attendance on such court, to be audited and allowed
as other contingent charges of the county are audited and allowed.

CHAP. XXVIII.

AN ACT authorising the building a fire-proof Clerk's Office, in the county of Franklin.

Passed March 5, 1819.

I. BE it enacted by the people of the State of New-York,
represented in Senate and Assembly, That the supervisors of the
county of Franklin be and they are hereby authorised and requir-
ed, at their next annual meeting, to appoint commissioners to pur-
chase a suitable site or piece of land, in the town of Malone, and
erect thereon a fire-proof clerk's office, as a majority of the said
supervisors shall direct; and it shall be the duty of the said su-
pervisors to audit their accounts, and order the treasurer of said

county to pay over to said commissioners, such sum or sums as the said supervisors shall, from time to time, direct, out of any money not otherwise appropriated; and the treasurer of said county is hereby authorised to pay over the same.

II. *And be it further enacted*, That for the above purposes the said supervisors are hereby authorised to raise a sum not exceeding one thousand dollars, to be raised and levied on the freeholders and inhabitants of the said county of Franklin; which sum shall be raised, levied and collected in the same manner as other contingent charges of said county are raised, levied and collected.

III. *And be it further enacted*, That when the above clerk's office shall be completed, all books, records and public papers shall be removed thereto; and the same shall hereafter be the clerk's office for the county of Franklin.

CHAP. XXIX.

AN ACT appointing Commissioners to lay out a road from Lemuel Newtown's, in Pembroke, to the village of Attica.

Passed March 5, 1819.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That Gavis B. Rich, Selvey Kidder and James Hyde, or any two of them, be and they are hereby appointed commissioners to lay out a public highway, of the width of four rods, from Lemuel Newtown's, in the town of Pembroke, to the village of Attica, in the county of Genesee.

II. *And be it further enacted*, That said commissioners, before they enter upon the duty aforesaid, shall take and subscribe an oath before a justice of the peace, to lay out said road without favor or partiality; and they shall, after laying out said road, cause to be made an accurate map of the survey of the same, and with the field notes of the said survey, to be filed in the clerk's office of each town through which the road shall be laid out; and if the said road shall be laid through any improved lands, the damages shall be appraised and paid, and the road opened and improved in the manner prescribed by the act to regulate highways; and the said commissioners, and their surveyor, shall each be allowed two dollars per day for each day they shall be necessarily employed in the duties aforesaid, together with their necessary contingent expenses, to be audited and allowed by the board of supervisors of said county, and paid by the several towns through which the said road shall be laid.

CHAP. XXX.

AN ACT for the relief of the Trustees of the village of Sing-Sing.

Passed March 5, 1819.

WHEREAS by the second section of "an act relating to the courts of common pleas and general sessions of the peace in and

for the county of Westchester, and for regulating the time for holding the same," it was enacted that the court of common pleas in and for said county, should appoint commissioners to report to the next board of supervisors of said county, what sum or sums of money had been, exclusively expended, by the trustees of the village of Sing-Sing, for the accommodation of said court: *And whereas* said commissioners omitted to make said report to the board of supervisors, at their last meeting: Therefore,

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the second section of the said recited act, passed the 10th day of April, 1818, be and the same is hereby revived; and the judges of the court of common pleas, at their next May term, shall appoint the commissioners as mentioned in the said section, who are hereby empowered, or any two of them, to make the report, as by the said second section is directed, to the board of supervisors, at their next meeting.

CHAP. XXXI.

AN ACT to revive an act entitled, "an act vesting certain powers in the freeholders and inhabitants of Rawsonsville, in the county of Montgomery," passed April 17, 1815.

Passed March 5, 1819.

WHEREAS the freeholders and inhabitants aforesaid have neglected to choose trustees in pursuance of the second section of the said act, in consequence of which they cannot avail themselves of the powers thereby in them vested: Therefore,

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the said freeholders and inhabitants to choose trustees on the third Tuesday of May next, in which case the said in part recited act shall be and hereby is declared to be revived.

CHAP. XXXII.

AN ACT to enable the Trustees of the New-York Society Library to increase the yearly sums payable on the Shares of the said Library.

Passed March 5, 1819.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the trustees of the New-York Society Library, in the city of New-York, for the time being, on the first Tuesday of May next, and yearly on the first Tuesday of May, in every year thereafter, to demand and receive from the members of the said society, the sum of one dollar and fifty cents, in addition to the sum of two dollars and fifty cents, which they are now authorised by law

to demand and receive for each and every right and share in the said library, making together the yearly sum of four dollars; and in case any of the yearly sums of four dollars shall at any time thereafter be in arrear and unpaid for thirty days next after any of the days on which the same ought to have been paid, then the person or persons, from whom the same shall be due, shall be subject to the like forfeiture of his, her or their rights and privileges in the said library, as is mentioned and provided in the charter of the said society.

CHAP. XXXIII.

AN ACT to amend the act entitled, "an act to provide for the incorporation of religious societies."

Passed March 5, 1819.

I. *Be it enacted by the people of the State of New-York, represented in Senate and Assembly,* That it shall be lawful for the male persons, of full age, belonging to any church, congregation or religious society, in which divine worship shall be celebrated according to the rights of the protestant episcopal church in this state, and not already incorporated, at any time to meet for the purpose of incorporating themselves, and of electing church wardens and vestrymen, and to proceed to make such election, and to effect such incorporation in like manner as by the first section of the act hereby amended is authorised to be done by persons possessing the qualifications therein specified: *Provided,* That no person not possessing those qualifications shall be permitted to vote at any subsequent election of church wardens and vestrymen.

II. *And be it further enacted,* That all incorporations of churches or congregations heretofore formed or made under the first section of the act hereby amended, although by persons who may not have belonged to such churches or congregations for the last twelve months then preceding, shall be deemed valid and effectual, in like manner, as if formed or made by persons qualified according to the provisions of the same section.

III. *And be it further enacted,* That it shall be lawful for each and every of the religious incorporations created, or to be created, within the city of New-York in pursuance of this act, or of the act hereby amended, to take and hold real and personal estate of the annual value or income of six thousand dollars, any thing contained in the fourth section of the act hereby amended to the contrary notwithstanding.

CHAP. XXXIV.

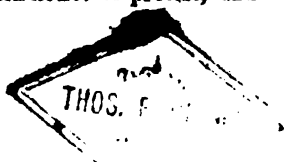
AN ACT to regulate the recovery of damages upon certain bills of exchange therein specified.

Passed March 5, 1819.

WHEREAS great damages and inconveniences frequently happen in the course of trade and commerce between this state and

the several other states, territories and places on and adjacent to this continent, and north of the equator, by reason of refusals to accept, and delays of payment, and other neglects, on bills of exchange drawn upon such other states, territories and places respectively; and no certain and legal usage or custom hath yet been established within this state for subjecting the drawers and endorsers of such bills of exchange to the payment of damages for such refusal, delay or neglect over and above the amount or contents of such bills respectively, for remedy whereof,

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That whenever any bill of exchange, hereafter to be drawn or negotiated, within this state, upon any person or persons, of or in any other state, territory or place on or adjacent to this continent, and north of the equator, shall be returned unpaid, and shall have been duly protested for non-payment in the manner usual in cases of foreign bills of exchange, the person or persons to whom the same shall or may be payable, shall be entitled to recover and receive, of and from the drawer or drawers, or the endorser or endorsers of such bill of exchange, the damages hereinafter specified over and above the principal sum for which such bill of exchange shall have been drawn, together with lawful interest on the aggregate amount of such principal sum and damages from the time at which notice of such protest shall have been given, and the payment of the said principal sum and damages shall have been demanded, that is to say, if such bill shall have been drawn upon any person or persons, of or in the states of New-Hampshire, Vermont, Massachusetts, Rhode-Island, Connecticut, New-Jersey, Pennsylvania, Delaware, Maryland or Virginia, or of or in the District of Columbia, five per cent. upon the principal sum specified in such bill; if upon any person or persons, of or in the state of North-Carolina, South-Carolina, or Georgia, seven and an half per cent. upon such principal sum; or if upon any person or persons, of or in any other state or territory of the United States, or any other place on or adjacent to this continent, and north of the equator, (comprehending the British and all other foreign possessions in the West-Indies, and elsewhere in the western Atlantic ocean,) ten per cent. upon such principal sum; such damages so to be recovered and received, to be in lieu of interest, and all other charges, to the time at which the notice of such protest and demand of payment as aforesaid, shall have been made and given as aforesaid; and the amount of such bill, and of the damages payable thereon, as above specified, if the contents of said bill be stated or expressed in the currency or money of account of the United States, to be ascertained and determined without any reference to the rate of exchange existing at the time of such notice and demand of payment as aforesaid; but if the contents of such bill be stated or expressed in the money of account or currency of any other country, then the amount thereof, and of the said damages payable thereon, as above specified, to be ascertained and determined by the rate of exchange or value of such foreign currency or money of account at the time of such notice of protest, and demand of payment as before mentioned.



CHAP. XXXV,

AN ACT to incorporate the Baptist Education Society of the State of New-York.

Passed March 5, 1819.

Preamble. WHEREAS the members of a society instituted in this state, for the purpose of educating pious young men to the gospel ministry, have petitioned for an act of incorporation the better to enable them to attain the objects of their association : Therefore,

O. Warren &
others incor-
porated.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly,* That Obed Warren, Joshua Bradley, John Bestwick, John Peck, Silas Spaulding, Eliada Blakelee, Elijah F. Miller, Thomas Cox, Charles Babcock, Charles W. Hull, and such other persons as now are, or hereafter may be, associated with them, shall be and hereby are constituted a body cor-

Style. porate and politic, in fact and in name, by the name of "The Baptist Education Society of the State of New-York;" and by that name shall have succession, and be in law capable of suing and being sued, defending and being defended, in all courts and places, and in all manner of actions and cases whatsoever, and may have a common seal, and change the same at their pleasure, and by that name and style be capable in law of purchasing, holding and enjoying, to them and their successors, any real estate, in fee simple, or otherwise, and any goods, chattels and personal estate, and of selling or otherwise disposing of the real and personal estate, or any part thereof, at their will and pleasure: *Provided nevertheless,* That the clear annual value or income of such real and personal estate shall not exceed the sum of five thousand dollars.

Proviso.

By-laws may
be made.

H. *And be it further enacted,* That the said associates, and their successors, may, from time to time, make such constitution, by-laws, ordinances and regulations for the appointment of officers, the government of the seminary, the management of their property, and conducting all their concerns as to them shall appear proper :

Proviso. *Provided* the same be not inconsistent with the laws or constitution of this state, or of the United States.

Public act.

III. *And be it further enacted,* That this act be and is hereby declared a public act, and that the same be construed in all courts and places benignly and favorably for every beneficial purpose therein intended, and that no misnomer of the said corporation, in any deed, gift, grant, demise or other instrument of contract or conveyance, shall vitiate or defeat the same: *Provided* the corporation shall be sufficiently described to ascertain the intention of the parties: *And provided always,* That if the said society appropriate their funds, or any part thereof, to any purpose or purposes other than those intended and contemplated by this act, or shall at any time pass any law or regulation affecting the rights of conscience, that thenceforth the said corporation shall cease and be void; and also the legislature may at any time alter or repeal this act, as in their discretion shall seem proper.

Advice.

CHAP. XXXVI.

AN ACT further to extend the Time for the Payment of Monies loaned by the Loan Officers and Commissioners of Loans.

Passed March 12, 1819.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That the time for the payment of the monies loaned to sundry persons, by virtue of the act entitled, "An act for emitting the sum of two hundred thousand pounds in bills of credit," passed April 18, 1786, the act entitled, "An act for loaning monies belonging to this state," passed March 14th, 1792, and the act entitled, "An act authorising a loan of monies to the citizens of this state," passed April 11th, 1806, be and the same is hereby extended to the first day of May, one thousand eight hundred and twenty-two: *Provided*, That an interest of seven per cent. shall be paid for the same, in the manner as in the aforesaid acts is provided for the payment of the interest: *Provided always*, That the above extension of the time of payment shall not embrace cases in which the loan officers or commissioners of loans shall deem the security questionable, unless such security shall be made perfectly satisfactory to the said loan officers or commissioners of loans.

Time extended to 1822, to pay loans.

Proviso.

Proviso.

II. *And be it further enacted*, That it shall be the duty of the aforesaid loan officers, and commissioners of loans, to exhibit to the board of supervisors of their respective counties, at their next annual meeting, and annually thereafter, all the mortgages taken by them under the aforesaid acts, together with their books of accounts, minutes and vouchers, in order that the said board of supervisors may ascertain whether the monies committed to the charge of the aforesaid loan officers and commissioners of loans respectively, have been loaned and continued to be kept on loan, according to the provisions of the said acts, and it shall be the duty of the said board of supervisors to examine the said mortgages, accounts and minutes, so to be annually exhibited to them, and thereupon forthwith certify, under their hands, the state in which they shall find the monies committed to the charge of the said loan officers and commissioners of loans, and to transmit their certificate, by mail, to the comptroller of this state; and if it shall appear to the comptroller, from any such certificate, that the whole of the monies committed to the charge of the said loan officers and commissioners of loans, respectively, have not been loaned as directed by the said acts, it shall be his duty to report the loan officers or commissioners of loans, or any or either of them, being in default, to the person administering the government of this state, in order that he, or they, may be removed, and others appointed in his or their stead, or in case of the default of any of the loan officers, the same may be communicated to the legislature; and it shall also be the duty of the comptroller to order suits to be commenced on the bonds of such loan officers, or commissioners, so found in default.

Mortgages to be exhibited to supervisors at their annual meeting.

Accounts, &c. to be examined.

To be reported to the governor if in default.

III. *And be it further enacted*, That if any of the money loaned in the manner prescribed in the aforesaid acts, shall be paid, it

Money when paid, how to be disposed of

shall be in the power of the board of supervisors of any county within which the same shall be so paid on any of the mortgages, by resolution, to require their loan officers or commissioners of loans, not to re-loan the same; and it shall be the duty of the aforesaid loan officers or commissioners of loans, in such case, to pay the same to the treasurer of this state, within sixty days after the same is so paid to them as aforesaid.

Notice of sale
how to be given.

IV. *And be it further enacted*, That in every case of a mortgage sale, by any loan officer or commissioners of loans, it shall be their duty, in addition to the notice now directed by law to be given of such sale, to cause a copy of their advertisement to be published, for the space of eight weeks successively, immediately preceding the day of sale, at least once in each week, in one of the newspapers printed and published in the county in which the mortgaged premises are situate, or if no newspaper is printed and published in such county, then in the county nearest thereto, in which a newspaper is printed and published: *And further*, That the expense of such publication shall be paid in like manner as the other expenses of advertising loan office sales, are by law directed and required to be paid.

Additional security to be taken in certain cases.

V. *And be it further enacted*, That whenever the supervisors of any county, in this state, shall apprehend that either of the loan officers or commissioners of loans, or their or either of their bail are likely to fail, it shall be their duty to require such loan officer or commissioners of loans, to give such additional bail as they may deem reasonable and satisfactory; and if such loan officer shall neglect or refuse, for the space of ten days after the receipt of notice to give such surety as required, the said supervisors may appoint another loan officer in his stead; and if a commissioner of loans shall refuse to give such security as may be required, the said supervisors shall report such suspicion as to the security, and the refusal of the commissioner of loans to comply with their requisition, to the governor and council of appointment.

CHAP. XXXVII.

AN ACT to alter the Time of holding the Election of Representatives for this State in the House of Representatives of the Congress of the United States.

Passed March 12, 1819.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the next general election for representatives in the house of representatives of the congress of the United States, in this state, for the term of two years, commencing on the fourth day of March, one thousand eight hundred and twenty-one, shall be held on the last Tuesday of April, and the two next succeeding days, in the said year one thousand eight hundred and twenty-one, and the subsequent general elections for such representatives, on the last Tuesday of April, and the two succeeding days, in every second year thereafter.

CHAP. XXXVIII.

AN ACT for the Erection of a Gaol and the Establishment of Gaol Liberties, in the County of Cattaraugus.

Passed March 12, 1819.

WHEREAS by the petition of a large number of the inhabitants of the county of Cattaraugus, it is represented to the legislature, that much inconvenience is experienced for the want of a gaol in said county, and that great expenses are incurred in removing prisoners to and from the gaol of Allegany county, where, by the act entitled, "An act organizing the county of Cattaraugus," passed March 28, 1817, they are directed to be confined : Preamble.
And whereas it is also represented, that the house in the village of Ellicotville, where the courts of Cattaraugus are, by law, now held, is sufficient for their accommodation, and probably will be for several years : Therefore,

I. *BE it enacted by the People of the State of New-York,* Amount to be raised.
represented in Senate and Assembly, That the sum of fifteen hundred dollars, authorised to be levied on the freeholders and inhabitants of the county of Cattaraugus, for the purpose of building a court-house in the village of Ellicotville, by the act entitled, "An act to establish the place of holding courts in the county of Cattaraugus, and for other purposes," passed April 21st, 1818, shall be appropriated to the erection of a suitable building in the said village, to be established and used as the gaol of the said county of Cattaraugus.

II. *And be it further enacted,* That David Goodwin, Baker Leonard, and Benjamin Waterman, be, and they are hereby appointed commissioners to superintend the erection of said building, Commissioners.
 and it shall be the duty of the said commissioners to apply the said sum to that object, and to account to the board of supervisors of the said county of Cattaraugus, at their annual meetings, for the expenditure of the same.

III. *And be it further enacted,* That the said commissioners To give bond.
 shall give their bond, jointly and severally, to the people of this state, with surety to be approved of by the treasurer of said county of Cattaraugus, for the sum of three thousand dollars, with condition, faithfully and punctually to execute the duties required of them by this act, according to the true intent and meaning thereof, and on such bond being deposited with the treasurer, he shall, on the order of the board of supervisors, pay to the said commissioners, the said sum of fifteen hundred dollars.

IV. *And be it further enacted,* That when, in their opinion, Gaol liberties to be established.
 the said building shall be sufficient for the safe keeping of prisoners, it shall be the duty of the said commissioners to cause a certificate to that effect, under their hands, to be filed in the office of the clerk of said county of Cattaraugus, and the said building shall from thenceforth be and continue the gaol of the said county of Cattaraugus, and it shall be, and hereby is made the duty of the court of common pleas of said county, as soon as may be after the filing of the said certificate, to designate and esta-

blish the liberties of the said gaol, in the manner prescribed by the fourth section of the act entitled, "An act relative to gaols," passed April 6th, 1818.

Sheriff's duty.

V. *And be it further enacted*, That as soon as may be after the designation and establishment of the said gaol liberties, it shall be the duty of the sheriff, for the time being, of the said county of Cattaraugus, to remove all persons in his custody, and confined in the gaol of the said county of Allegany, from thence to the said gaol of the said county of Cattaraugus, and such removal shall not be deemed an escape.

Pay of the commissioners.

VI. *And be it further enacted*, That each of the said commissioners shall be entitled to, and receive, two dollars per day, for each and every day necessarily employed by them in performing the duties required by this act, and the said supervisors are hereby authorised and required to audit the accounts of said commissioners for the services they may so render, and to cause the amount thereof to be levied, collected and paid, as the other contingent expenses of the county are levied, collected and paid.

CHAP. XXXIX.

AN ACT relative to the Expenses incurred by virtue of certain joint Resolutions relative to escheated Lands.

Passed March 12, 1819.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the treasurer of this state shall, on the warrant of the comptroller, pay to the commissioners of the land-office, such sum or sums of money, as are necessary to defray the expenses, and carry into effect the joint resolutions of the senate and assembly, of the sixth day of April, one thousand eight hundred and eighteen, in relation to escheated lands in the military tract; which said sum or sums, shall, from time to time, be certified to be necessary by the person administering the government for the time being.

CHAP. XL.

AN ACT authorising the Commissioners appointed under the Act of March 24th, 1818, to take Affidavits in Insolvent Cases.

Passed March 12, 1819.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for any commissioner under the act entitled, "An act authorising the appointment of commissioners to take the acknowledgements of deeds and special bail, to take affidavits to be read in courts of record, and to restrict the number of masters in chancery," passed March 24th, 1818, to take all affidavits to be used under the several acts now in force concerning insolvent or impropri-

soned debtors, in like manner as a master in chancery could lawfully take the same ; and under the act concerning mortgages.

11. *And be it further enacted and declared*, That all affidavits which may have been taken by a commissioner under the act last aforesaid, shall be and the same are hereby declared good and effectual in law.

CHAP. XLI.

AN ACT to authorise the Supervisors of the County of Oswego to raise Money to build a Gaol in said County.

Passed March 12, 1819.

I. *Be it enacted by the People of the State of New-York, re-* Amount to be raised by tax.
presented in Senate and Assembly, That it shall be the duty of the supervisors of the county of Oswego, at their next annual meeting, to levy a tax on said county, which shall raise the sum of fifteen hundred dollars, to be collected in the same manner as the taxes for defraying the contingent expenses of said county are collected and paid to the treasurer thereof, for the purpose of erecting a public gaol for the use of the said county, at such convenient place near the site of a court-house for said county, established at Richland, in pursuance of the fourth section of the act entitled, " An act to erect parts of the counties of Oneida and Onondaga into a separate county, by the name of Oswego," passed March 1st, 1816, and within the gaol limits established at the same place by the court of common pleas in and for said county, as the commissioners herein after named, or a majority of them, may elect and deem proper for that purpose. *Provided nevertheless*, That it shall not be the duty of the said supervisors to levy the said tax, unless a grant and conveyance shall have been gratuitously made to the supervisors of said county and their successors in office, in trust for the use of said county, as sites for a court-house and gaol, of such and so much land within the said limits, as the said commissioners, or a majority of them, may deem necessary and proper for that purpose, such determination to be signified by a certificate thereof endorsed on the deed containing such grant, and signed by the said commissioners, or a major part of them, nor unless payment shall have been made, or satisfactory security given, for the payment to the said commissioners, of at least fifteen hundred dollars, as voluntary donations towards the erection of the said gaol ; *And provided further*, That the said supervisors may, in their discretion, levy a tax at their next session, which shall raise half of the said sum of fifteen hundred dollars, and the residue of the said sum at their next annual meeting thereafter.

11. *And be it further enacted*, That John S. Davis, and Ebenezer Young, and Simon Meacham, be and they are hereby ap- Commissioners.
pointed commissioners to superintend the building of the said gaol, and they are hereby authorised to draw upon the treasurer of the said county, for the whole or any part of the said fifteen hundred dollars, at any time after the same shall have been paid to the

treasurer of the said county ; and it shall be the duty of the said treasurer to pay the same to the order of the said commissioners :

Provided.

That the said commissioners shall first have given bonds, with approved security, in the penal sum of two thousand dollars, to the said supervisors, and filed the same with the treasurer of said county, conditioned for the faithful performance of the trust reposed in them by this act : And it shall be the duty of the said commissioners to account to the supervisors of said county for all monies which they may have received, either from the county treasury, or as donations, for the purpose last aforesaid, whenever thereunto required.

Sheriff's duty in removing prisoners.

III. *And be it further enacted,* That whenever the said gaol shall be so far completed as, in the opinion of the sheriff of the said county for the time being, to be a place of safe confinement for prisoners, it shall be lawful for the said sheriff to remove all prisoners which he may have confined in the gaols of Oneida and Onondaga, or either of them, or on the limits thereof, to such gaol in the county of Oswego : And whenever it shall happen after the said gaol shall have become so far complete as aforesaid, and before a sufficient gaol shall be erected in the western district of said county, that the sheriff of said county shall be authorised by law to commit to close custody, prisoners who may have been admitted to the gaol liberties which are, or may be established in the said western district, it shall and may be lawful for the said sheriff to remove such prisoners to the said gaol at Richland ; and such removal shall not, in either of the aforesaid cases, be deemed an escape.

CHAP. XLII.

AN ACT for the Relief of John Truesdell.

Passed March 12, 1819.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the treasurer pay, on the warrant of the comptroller, to John Truesdell, the sum of two hundred and fifty-one dollars and forty-one cents, in full for the interest remitted on lot number thirty-eight, in the northwest part of the Oneida reservation, by an act, passed 5th of April, 1816, entitled, " An act for the relief of John Truesdell and Phinehas Truesdell."

CHAP. XLIII.

AN ACT to authorise the Supervisors of the County of Cortland to raise Money by Tax, for the Erection of a Fire-Proof Clerk's Office in said County.

Passed March 12, 1819.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That it shall be the duty of

the supervisors of the county of Cortland, and they are hereby directed, at their annual meeting in October next, to levy, raise, and cause to be collected, twelve hundred dollars ; to be levied, raised, and collected in the same manner as the contingent charges of said county are raised, levied and collected, and five cents on each dollar for collecting the same ; for the purpose of erecting a fire-proof building in said county, in which all the public records and papers, belonging to the clerk of said county, shall be kept, after it shall be completed.

II. *And be it further enacted*, That James Chatterton, Samuel G. Hathaway and Grove Gillet, be commissioners to purchase a suitable lot to erect said building on, which lot shall front the Main-street, in Cortland village, and also to superintend the erection of said building ; and the said commissioners, or a majority of them, may draw their warrant on the treasurer of said county, for the said twelve hundred dollars, whenever it may come into his hands ; and the said commissioners shall account with the supervisors of said county, for all the money so drawn by them from the treasurer of said county ; and the said supervisors are hereby directed to audit and allow the said commissioners one dollar and fifty cents for each day's service that they are employed in the discharge of their respective offices,

CHAP. XLIV.

AN ACT appointing Commissioners to lay out a Road from the Caneadea Reservation to the State Road, in the Town of Olean, and to levy a Tax on the same Lands.

Passed March 12, 1819.

I. *BE it enacted by the People of the State of New-York*, ^{Commissioners.} *represented in Senate and Assembly*, That Samuel H. Morgan, John Hoyt, and Andre Bennet, or any two of them, be and they are hereby appointed commissioners to lay out a road, beginning at the Indian reservation, in the town of Caneadea, and running from thence to the house of Ephraim D. White, in the town of Rushford, and from thence to Samuel H. Morgan's, in the town of Friendship, and from thence to the state road, in the town of Olean, near Hicks' tavern, and shall cause so much of the survey of the said road, as shall be within each of the respective towns, to be recorded in the clerk's office thereof ; and it shall be the duty of the said commissioners, before they enter upon the duties of their office, to take and subscribe an oath or affirmation, before any justice of the peace of the county of Allegany, well and faithfully, to the best of their abilities, to discharge the duties imposed on them by virtue of this act.

II. *And be it further enacted*, That it shall be the duty of the assessors of the several towns in which any part of the said road shall be laid out, to designate particularly in their assessment rolls, the several lots, pieces or parcels of land, through which said road shall run, or shall bound upon or join said road, for the term of ^{Certain lots to be designated by the assessors.}

Provided, three years : *Provided*, That no such lot shall be estimated to contain more than three hundred and sixty acres.

Additional
tax to be raised.

III. *And be it further enacted*, That it shall be the duty of the supervisors of the counties of Allegany and Cattaraugus, to add to the annual taxes of the aforesaid lots, pieces or parcels of land, two cents on the dollar of the valuation, over and above all other taxes, and cause the same to be collected and paid over by the several collectors to the commissioners of each of the towns where the same shall be collected.

Road to be
districted,
opened and
improved.

IV. *And be it further enacted*, That it shall be the duty of the commissioners of the said towns, through which any part of the said road shall run, to cause the same to be districted, opened and improved in the same manner as town wards are opened and improved ; and it shall be the duty of the said town commissioners to order the overseer or overseers of the said road districts, to cause to be worked the amount which shall from time to time be assessed, levied and collected, and shall pay over all the monies that shall come into their hands by virtue of this act, to the said overseer or overseers, without delay, together with an equal proportion of the money voted to be raised in said towns for highways, in proportion to the length of the roads in such town.

Pay of com-
missioners.

V. *And be it further enacted*, That the said commissioners, appointed by virtue of this act, shall be allowed two dollars per day for every day each of them shall necessarily be employed in laying out said road, and the necessary expenses of a surveyor and chain bearers, to be audited, collected and paid in the same manner as other contingent expenses of the said counties of Allegany and Cattaraugus are usually collected and paid, in proportion to the length of the road in said counties.

Money how
to be applied.

VI. *And be it further enacted*, That it shall be the duty of said overseer of highways, faithfully to apply the money that shall come into his hands by virtue of this act, and on that part of his district which shall have been laid out by virtue of this act, and shall account with the commissioners of the respective towns annually, for the faithful expenditure thereof.

CHAP. XLV.

AN ACT to incorporate the Brookfield and Sherburne Turnpike Company.

Passed March 12, 1819.

E. Randall &
others incor-
porated.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That Elisha Randall, Watrous Usher and Abel Wakely, and all such other persons as shall associate for the purpose of making a good and sufficient turnpike road, to begin at or near the house of Ethen Babcock's, in the town of Brookfield, on the Hamilton and Skeneateles turnpike road, from thence, the most convenient and best route, intersecting the third great western turnpike road between the houses of Timothy Hatch and Tilly Lynde, in the town of Sherburne, in the county of Chenango, be and they are hereby created a body politic and cor-

porate, by the name of the President and Directors of the Brook-^{Style.}field and Sherburne Turnpike Company; and they are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name; and by that name they and their successors shall and may have continual succession, and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of complaints, matters and causes; and by the same name and style, shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of the said corporation: *Provided*, That ^{Proviso.} such estate, as well real as personal, so to be purchased and holden, as shall be necessary to fulfil the end and intent of such corporation, and for no other purpose whatsoever.

II. *And be it further enacted*, That the stock of said company ^{Stock.} hereby incorporated shall consist of three hundred shares, of twenty dollars each; and that Paul Palmer and Abel Wakely be and are hereby appointed commissioners to receive subscriptions for the said stock, in the manner directed in and by the act entitled, "an act relative to turnpike companies," passed April 10th, 1813.

III. *And be it further enacted*, That the said company hereby ^{Rates of toll.} incorporated, shall be entitled to ask and receive, at the turnpike gate or gates, to be erected on said road, for any number of miles not less than ten in length of the said road, the following sums of money, and so in proportion for any greater or less distance, from all persons travelling or using the same, to wit: for every waggon, drawn by two horses, mules or oxen, twelve and a half cents, and three cents for every additional, horse, mule or ox attached to such waggon; for every cart or other carriage drawn by two horses, oxen or mules, twelve and a half cents, and for every additional horse, ox or mule, three cents; for every horse and rider, four cents; for every horse led, two cents; for every cart or waggon, drawn by one horse or mule, six cents; for every chair, sulkey, chaise, or other pleasure carriage, with one horse, twelve and a half cents; for every chariot, coach, coachee, phaeton, or other four wheeled pleasure carriage, twenty-five cents; for every sleigh or sled, drawn by two horses, mules or oxen, eight cents, and so in proportion if drawn by a greater or less number of horses, mules or oxen; for every score of horses or cattle, twelve and a half cents, and so in proportion for a greater or less number; for every score of sheep or hogs, four cents; for every stage waggon, drawn by two horses, twelve and a half cents, and three cents for every additional horse attached to such stage waggon.

IV. *And be it further enacted*, That the said company hereby ^{Privileges.} incorporated, shall have and enjoy all the rights, privileges, powers and immunities which are given and granted in and by the aforesaid act entitled, "an act relative to turnpike companies," and shall be subject to all the conditions, provisions, restrictions and regulations contained in the said act.

V. *And be it further enacted*, That John Loyd, James Nye and ^{Commissioners.} Zaddock Beebe, junior, or any two of them, be and they are hereby appointed commissioners to lay out and establish said road.

CHAP. XLVI.

AN ACT to vest certain powers in the freeholders and inhabitants of the port of Sagg-Harbor, for the purpose of preventing and extinguishing fires, and for other purposes.

Passed March 12, 1819.

Bounds. I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the freeholders and inhabitants of the port of Sagg-Harbor, in the county of Suffolk, having a right to vote in town meetings, and residing within the following limits, viz: beginning at a road leading from Sagg-Harbor aforesaid, to North-Sea, upon the old Leqonee creek or brook, thence running with the said creek or brook to the middle line and old boundary between the great south and north division, from thence on the said middle line until it strikes the line between the towns of East and Southampton, from thence a due course to a corner tree on the land of the heirs of William J. Rysam, near a brook known by the name of Rattle Snake brook, from thence a direct course to David Russel's bridge over the north west creek, thence down said creek until it empties into the harbor, thence following the shores of said harbor, (including all houses, wharves and stores thereon) round a peninsula of land known by the name of Brushy neck, until it strikes the mouth of said old Leqonee creek or brook, thence following said creek to the place of beginning; to meet together at such place in the said port of Sagg-Harbor as the trustees hereafter to be directed to be chosen shall appoint, shall on the first Monday of May next, and on the first Monday of January, annually thereafter, then and there proceed to choose by ballot, not less than three, nor more than five, discreet freeholders, to be called the trustees of the fire company of the port of Sagg-Harbor.*

Firemen. II. *And be it further enacted, That the said trustees to be chosen as aforesaid, or a major part of them, shall have full power and authority to nominate and appoint a sufficient number of firemen, not exceeding twenty-six, to the engine, hooks and ladders now provided, and the number of twenty for others which may hereafter be provided for the use of said port, out of the freeholders and inhabitants who shall be willing to accept such appointment, to have the care and management, working and using of the said engine or engines, and other tools and instruments for the extinguishing fires within the said port; which persons, so to be nominated and appointed, shall be called the firemen of the port of Sagg-Harbor, who are hereby required to be ready at all fires, as well by night as by day, to manage, work and use the said fire engine or engines, and other implements aforesaid.*

Privileges of the firemen. III. *And be it further enacted, That each person, so to be nominated and appointed a fireman, shall, during his continuance in office, be exempted and privileged from being impannelled on any jury or inquest, and from military duty, except in cases of war or actual invasion; and for this purpose, the name of each fireman to be appointed by virtue of this act, shall be entered by the clerk of*

the trustees in a book to be kept by him for that purpose; and his certificate shall be sufficient evidence in all courts, and elsewhere, of his said exemption and privilege: *And further*, The said trustees, or a major part of them, shall have power, from time to time, to remove any fireman so to be appointed, and others to appoint in the place of those removed, when and as often as they shall think proper.

IV. *And be it further enacted*, That it shall be lawful for the said trustees, or a major part of them, to make, establish and ordain such rules and regulations for the government, duty and behaviour of the persons so to be appointed firemen as aforesaid, in the working and frequent using and trying the said fire engines, tools and implements, and to impose such reasonable fines and penalties, (not exceeding three dollars) for any one offence, upon such firemen, or any one of them, for default in not performing the duties thereby enjoined or required from them, as they, from time to time, may think proper. Rules to be made.

V. *And be it further enacted*, That it shall and may be lawful for the trustees, or a major part of them, by this act to be chosen, and for their successors in office forever, to make, ordain and publish such prudential by-laws, rules and regulations as they, from time to time, shall deem proper, concerning the public markets, relative to keeping in order and improving the streets and highways within the boundaries of the said port of Saggs-Harbor, regulating slaughter-houses, and nuisances generally, and relative to any thing whatsoever that may concern the public health, welfare and good government of the said port, and to enforce the same by fines and penalties: *Provided also*, That such by-laws be not contrary or inconsistent with the laws of this state, or of the United States. By laws. Previous.

VI. *And be it further enacted*, That the penalties to be levied and collected for the breach of any by-law, shall not exceed the sum of twenty dollars for any one offence, to be prosecuted and recovered before any justice of the peace, or court having cognizance of the same, with costs of suit, by the trustees, to and for the use of said corporation. Penalties.

VII. *And be it further enacted*, That upon the breaking out of any fire within the said port, the trustees aforesaid, and the constables, together with the justices of the peace in said port, on notice thereof, shall repair to the place where such fire shall happen, with staves and such other badges of authority as shall be ordained by a majority of them to be worn, and be aiding and assisting, as well in extinguishing the said fire as in preventing any goods from being stolen, and also in removing and securing the same; and in the execution of the duties required of them by this act, and it shall be the duty of such justices of the peace, and they are hereby authorised to command the assistance of all and every of the able bodied inhabitants of said port, whose duty it shall be to obey and execute all orders and directions of the trustees and magistrates aforesaid, in extinguishing said fires, removing and securing the goods, and providing water for the engines, and assisting the firemen in working the same. In case of fire.

Fire buckets. VIII. *And be it further enacted,* That it shall be lawful for the trustees aforesaid, or a major part of them. to direct and require the inhabitants, owners of dwelling-houses in said port, to provide themselves with such and so many fire buckets, to be ready in such houses, for the purpose of extinguishing fires, and to impose such reasonable fines for disobedience thereof as they shall think proper, (not exceeding five dollars) for each bucket so neglected to be furnished as aforesaid.

Fines. IX. *And be it further enacted,* That all fines incurred and adjudged to be levied by the trustees as aforesaid, shall be recovered by any one of the trustees as aforesaid, in his own name, before any justice of the peace in the county, or court having cognizance thereof, with costs of suit, to be reported to said board of trustees, and appropriated for the purpose of procuring, and keeping in repair the fire engines and other instruments for extinguishing fires in the said port.

Taxes. X. *And be it further enacted,* That it shall and may be lawful for the said freeholders and inhabitants, or a majority of them so entitled to vote as aforesaid at such meeting, to direct such sums of money as they shall deem necessary and proper for paying for or repairing the fire engine or engines, and other instruments, now provided, or hereafter to be provided within said district or limits before mentioned. to be raised, levied and collected from the freeholders and inhabitants resident within the said district, and upon the proprietors of houses and all other buildings, who may not reside within the said district.

How to be assessed, &c. XI. *And be it further enacted,* That it shall be lawful for the trustees chosen as aforesaid, to levy, assess and collect the aforesaid sum or sums of money as shall be agreed by the said freeholders and inhabitants, at their annual meeting, for the purposes aforesaid, in such way and manner as taxes are levied, assessed and paid for the contingent expenses of the towns of East and South Hampton.

Elections. XII. *And be it further enacted,* That if it shall at any time happen, that trustees shall not be elected, or the annual meeting not be holden, on the first Monday of January, as is herein before provided, that the said corporation shall not be thereby dissolved; but that it shall and may be lawful for the said trustees, or a major part of them, at any time before the next annual meeting thereafter, to appoint a special meeting of the freeholders and inhabitants of the said port, on giving notice for the annual meeting for the purpose of electing such officers as ought to have been elected at said annual meeting, or of doing any other business which might and ought to have been done.

Road district. XIII. *And be it further enacted,* That the said district of the port of Sagg-Harbor, be and the same is hereby constituted a road district, subject to be subdivided by the said trustees, and that the same be exempt from the superintendence of the commissioners of highways of the towns of East and South Hampton, and the said trustees of the district of the port of Sagg-Harbor, shall have all the powers over said road district, and discharge all the duties which by law are given to or enjoined upon the said commissioners of highways, and subject to the like restrictions and appeals; and it is

hereby declared lawful for the inhabitants of the said district, at their annual meetings as aforesaid, to choose an overseer of highways for each and every subdivision in said road district as shall be laid out by the said trustees, which overseers shall have all the powers, and discharge all the duties in their several districts which by law are given to or enjoined upon the overseers of highways, giving in their lists, and being accountable to said trustees in the same manner as other overseers of highways are bound by law to do to the town clerk and to the commissioners of the highways.

XIV. *And be it further enacted*, That all former laws relating to the fire company of the said port of Sagg-Harbor be and the same are hereby repealed. Former acts repealed.

CHAP. XLVII.

AN ACT to vest certain Powers and Privileges in the Freeholders and Inhabitants of the Village of Nassau.

Passed March 12, 1819.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That all that part of the town of Nassau, in the county of Rensselaer, contained in the following bounds, to wit : Beginning at the east end of the bridge across the creek near the house of Thomas Machell, thence running down the east side of said creek to the south west corner of the lot belonging to the heirs of Philip Cook, and adjoining the land of Peter C. Van Valkenburgh, thence easterly in a straight line to the north side of the second bridge south of the schoolhouse ; thence in a straight line to a point at the foot of the hill in the meadow of Thomas Hoag, where the fence crosses the creek ; thence up the creek easterly to the point of intersection of the extended north and south line of the west end of the parsonage lot ; thence northerly on said line to the east and west line of the farm of Chauncey Porter ; thence along the division line of Chauncey Porter and Peter Van Buren to the northwest corner of the land of Peter Van Buren ; thence northwesterly across the land of Chauncey Porter, until it strikes the mile road at the south end of Fenner Palmer's board fence ; thence due west until it strikes the creek ; thence along the east side of said creek to the place of beginning ; shall be known and distinguished by the name of The village of Nassau ; and the freeholders and inhabitants, qualified to vote at town meetings, may, on the first Tuesday of May, in the year one thousand eight hundred and twenty, meet at some proper place within the said village, to be appointed by the trustees herein after mentioned, a notice whereof shall be put up in at least three public places within the said village, ten days previous to the said first Tuesday of May last mentioned, and then and there proceed to elect five discreet freeholders, resident within the said village, to be trustees thereof ; who, when chosen, shall possess the several powers herein after mentioned and specified ; and such trustees shall preside at such meeting, and shall declare the several persons having

the greatest number of votes duly elected trustees ; and on every first Tuesday of May, after the election of trustees as aforesaid, there shall, in like manner, be a new election of trustees for said village ; and the trustees for the time shall perform the duties required in respect to notifying the meeting of the freeholders and inhabitants aforesaid of said village, and presiding at such election.

Privileges. II. *And be it further enacted*, That all the freeholders and inhabitants residing within the said limits be and they are hereby ordained and constituted, and declared to be from time to time, and for ever hereafter, a body politic and corporate, in name and in fact, by the name and style of " The trustees of the village of Nassau ;" and by that name they, and their successors, for ever shall and may have perpetual succession, and be persons in law capable of suing and being sued, defending and being defended, in all courts and places whatsoever, and in all manner of actions, causes and complaints whatsoever ; and that they and their successors may have a common seal, and may change and alter the same at pleasure ; and shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the public use of said village, and of erecting any buildings and aqueducts, digging any reservoirs for water for the use of said village, and keeping in repair such buildings, aqueducts and reservoirs ; of purchasing and keeping in repair fire engines, ladders, buckets and other instruments for extinguishing fires ; erecting hay scales, and widening streets, except where it is hereinafter otherwise enacted ; and of making any other regulations that the said trustees may, from time to time, deem necessary ; and of raising a sum by tax, not exceeding the sum of one hundred dollars, for the purposes aforesaid, in any one year : *Provided*, That no tax shall be levied or money raised, assessed or collected, for the purposes aforesaid ; and no purchase or any sale of real estate be made, and no building or reservoir made or disposed of, without the consent of the freeholders of the said village, or the major part of them, in open

Provide. town meeting duly notified : *And provided further*, That nothing in this act contained, shall be construed to authorise the aforesaid trustees to make any regulations affecting any turnpike or other road passing through the said village, or to widen any public roads or streets within the bounds of the said village, without the consent of the owners of the ground to be appropriated for widening the same, or paying to such owner the amount of damages which he may sustain, by such widening, to be ascertained by three impartial and sworn appraisers, to be appointed by a judge of the court of common pleas for the county of Rensselaer, upon the application of the said trustees.

By-laws to be made. III. *And be it further enacted*, That it shall and may be lawful for the trustees of the said village, or the major part of them, by this act appointed, or to be chosen, and for their successors in office for ever, from and after the passing of this act, to make, ordain, constitute and publish, such prudential and other by-laws, orders, rules and regulations, as they, from time to time, may think proper ; and such in particular as are relative to the streets and highways of said village, and keeping in order and improving

the same ; relative to slaughter houses, and nuisances generally ; relative to public markets ; relative to the restraining of geese, swine, and cattle of every kind ; relative to the number of inns and taverns to be licensed in said village ; and relative to any thing whatsoever, that may concern the public and good government of said village : but no such by-laws shall extend to the regulation of the prices of any commodities, or any articles of provisions, which may be offered for sale : *Provided*, That such rules, ^{Proviso,} orders, regulations and by-laws be not contrary to, or inconsistent with, the laws and statutes of this state or the United States : *And provided further*, That no such by-laws, rules, orders or regulations, shall go to the removal of fences on the south side of the east and west street in said village, farther south than the line of the fences of Barept Van Vleeck and Ebenezer D. Bassett ; nor on the north side of said street and west of William P. Heermance, farther north than the line of the fence of Chauncey Porter, and east of Henry Jones's, on the same side of said street, farther north than the lines of the fence of the said William P. Heermance.

IV. *And be it further enacted*, That the trustees, or the major part of them, as often as they shall make, ordain and publish, any such by-laws, rules, orders and regulations, for the purposes aforesaid, may make, ordain, limit and provide such reasonable fines against the offenders of such orders, rules and regulations, as they may think proper ; the same not exceeding twelve dollars for any one offence ; to be prosecuted and recovered before any court having cognizance thereof, with costs of suit, by the trustees, to and for the use of the corporation ; and it shall be deemed sufficient for the said trustees, in any suit or action to be brought as aforesaid, for any such penalties, fines or forfeitures, to declare generally that the said defendant or defendants is or are indebted to the trustees of the village of Nassau, in the amount of such penalty, fine, or forfeiture, to be paid to the said trustees for the time being, when thereunto required, and under such declaration to give the special matter in evidence. ^{Fines may be laid}

V. *And be it further enacted*, That the freeholders and inhabitants of said village, qualified to vote for trustees as aforesaid, at their annual meeting, on the said first Tuesday of May, in the year one thousand eight hundred and twenty ; and afterwards shall, and they are hereby authorised and empowered, to choose one treasurer and one collector, being inhabitants of said village, and the person having the greatest number of votes for each office respectively, shall be deemed duly chosen ; and in case a vacancy shall happen in either of the above offices, by death, removal from said village, or refusal to serve, the trustees shall have the power of appointing some other inhabitant of said village, to supply said vacancy, until the next annual meeting, and the person so appointed shall be liable to the same penalties and restrictions, as if duly elected at the annual meeting. ^{Treasurer to be chosen.}

VI. *And be it further enacted*, That the trustees, treasurer and collector, in and by this act appointed, before they proceed to execute their respective office, and within thirty days after the passing of this act, and the trustees, treasurer and collector hereafter to be elected, and within ten days after their election respec- ^{Treasurer & collector to give bond,}

tively, shall take and subscribe an oath or affirmation before any justice of the peace of the county of Rensselaer, for the fair and faithful execution of the office of trust to which they may be severally elected : *Provided*, That the said treasurer and collector, before they take the oath or affirmation aforesaid, shall respectively, give security to the trustees of said village, for the faithful discharge of their respective offices, in such sum as a majority of said trustees may or shall deem sufficient.

Firemen. VII. *And be it further enacted*, That it shall be lawful for the trustees of said village, or a majority of them, to appoint not exceeding fifteen firemen, out of the inhabitants of said village, and the same, or any one of them, to remove at their pleasure, and appoint others in their stead ; to regulate the times of meeting, and exercises of said company of firemen ; to appoint their captain and other officers ; and to make such by-laws, rules and regulations for the government of said company, and inflict, ordain and establish such penalties for the breaking or disobeying of such laws, rules and regulations, as they may deem expedient : *Provided*, That no fine or penalty shall be inflicted on any fireman exceeding two dollars for any one offence ; and that the trustees shall have the power of remitting such fine or penalty, whenever a majority of said trustees may deem it proper.

President & clerk to be chosen.

VIII. *And be it further enacted*, That the trustees within twenty days after their appointment or election as aforesaid, or a major part of them, shall, and it is hereby made their duty, to assemble at some convenient place, in said village, and their to choose and appoint some one suitable person of their body to be president of the said board of trustees, and some other suitable person to be clerk to said board of trustees ; and it shall be the duty of the president, when present, to preside at the meetings of the trustees ; to order extraordinary meetings of the trustees, when he may consider it for the interest of said village ; to hear and receive complaints of the breach of any of the laws of the said corporation ; to see that all the by-laws, rules and regulations of said village are enforced, and faithfully executed ; to prosecute, in the name of the trustees, all offenders against or violators of the by-laws ordained and published as aforesaid ; to keep the seal of the said village, and to affix it, together with his signature, to all such rules and regulations, as a majority of the trustees may deem proper ; and in case of the death, removal or inability of the president to discharge the duties of his office, it shall be the duty of the clerk to notify the other trustees of such death, removal or inability, who shall, within ten days thereafter, meet and elect another president out of their body, to hold the office till their next annual meeting ; and it shall further be the duty of the president to take care of, protect and preserve all property belonging to such village, as a corporation, to preside over all public meetings of the villagers for the above purposes, and to do all such other acts and things as may be proper for the president of the trustees to do ; and it shall be the duty of the clerk to keep the minutes of all such votes, orders, rules and regulations, as are made by the freeholders and inhabitants of said village, at their public meetings ; and also to attend the meetings of the trustees, and record all the by-laws, rules

and regulations passed by them : and the trustees shall have the power to remove such clerk and appoint another, and to appoint one pro tempore, in case of the absence of the clerk, as a majority of them shall agree.

IX. *And be it further enacted*, That the collector shall, within such time as shall be hereafter limited by the by-laws of said corporation, after the receipt of his warrant for collecting any tax that may have been ordered to be raised, collect and pay the same to the treasurer ; and that such collector shall have and exercise the same power in the collecting of said taxes, by distress and sale, as the several collectors of towns have in the levying and collecting of taxes ; and that all monies which may, at any time, be in the hands of the treasurer, shall be liable to be drawn out by the trustees or a majority of them, and applied and disposed of as shall have been directed by the freeholders and inhabitants of said village, or agreeable to the provisions of this act : *And further*, That the said collector shall have the like fees as town collectors, and shall collect them in the same manner. Collector's duty.

X. *And be it further enacted*, That the said trustees shall keep an account of their necessary disbursements, and on exhibiting the same to the treasurer shall be entitled to receive the amount thereof out of any monies in the treasury ; and that the treasurer of said village shall not pay out of the treasury any monies belonging to the said freeholders and inhabitants, without an order signed by the said trustees or a majority of them. Accounts to be kept.

XI. *And be it further enacted*, That the trustees and treasurer of said village, shall annually, at the time and place of holding the elections aforesaid, exhibit an account of all monies received into or paid out of the treasury of said village, during the year preceding, specifying the several objects and purposes for which the same have been paid or applied. And exhibit.

XII. *And be it further enacted*, That if any one of the inhabitants of said village, qualified as aforesaid, shall hereafter be elected, chosen or appointed to any office in said village, and shall refuse or neglect to serve as such, it shall and may be lawful for the trustee or trustees duly qualified, or the major part of them, to impose or inflict upon such person, so neglecting or refusing, such reasonable fine or fines, as they may think proper. *Provided*, That such fine for any one offence, shall not exceed the sum of five dollars, to be recovered in the same manner that other fines and penalties are recoverable by this act : and that in all cases where the trustees of the village of Nassau, shall sue or prosecute, by virtue of this act, it shall be sufficient for the said trustees to declare generally, that the defendant is indebted to them by virtue of this act, to the amount of twenty-five dollars or under, and give any special matter in evidence under such declaration. Penalty for declining to serve if elected.

XIII. *And be it further enacted*, That it shall be the duty of the president of the board of trustees to give notice to the inhabitants of said village, of all public meetings, at least one week previous thereto, in such manner as a majority of the trustees may deem proper : *Provided*, That the principal object of said meeting be set forth in said notice, and that the same be put up in three of the most public places in said village ; and that it shall be Notice of meetings.

Provided.

lawful for the said trustees, or a majority of them, to call a public meeting of the inhabitants of said village whenever they may think it expedient.

All monies to
be paid to
the treasurer.

XIV. *And be it further enacted*, That all fines, penalties and forfeitures, and all monies obtained in any manner whatever, by virtue of this act, shall be paid into the hands of the treasurer, for the public use of said village; and the treasurer shall and he is hereby authorised, in case any person having received any money, by virtue of this act, to and for the proper use and benefit of said village, and shall refuse or neglect to pay the same to him, to prosecute every such offender, in the name of the trustees of said village, for monies had and received to and for the use of said village.

Taxes.

XV. *And be it further enacted*, That it shall be the duty of the said trustees, and their successors, annually to assess on the several inhabitants and freeholders, living in said village, the amount of the taxes which shall, at the annual meeting aforesaid, be determined to be raised, levied or collected, in proportion to the advantages respectively to be derived from said tax, and also the amount of taxes which the said trustees, or a majority of them, shall at any time determine to be raised, levied or collected, for defraying the expenses of carrying into effect the several laws, by-laws, rules, orders and regulations of said trustees relative to the making and improving walks in front of houses and lots thereunto belonging, in said village, in proportion to the line of the fronts of said lots.

Highways.

XVI. *And be it further enacted*, That all labor and improvements in the streets of said village, other than those in the last section mentioned, shall be assessed and done according to the provisions of the act relative to highways; and for that purpose, the trustees, for the time being, shall have the full powers of commissioners and overseers of highways, according to the provisions of said act: *And further*, That the inhabitants of said village shall be exempt from all assessments for highway work to be done out of said village: *Provided*, That if any person shall deem him or herself aggrieved by any assessment as aforesaid, it shall be lawful for any such person to appeal from the determination of the trustees to any three justices of the peace, in the county of Rensselaer, giving notice to the said trustees of such appeal, and of the time and place for determining thereof, by such justices, who shall hear the same, and do therein what to justice shall appertain.

Reviso.

First trustees

XVII. *And be it further enacted*, That William P. Heermance, Chauncey Porter, Samuel B. Ludlow, Chester Griswold and Ebenezer D. Bassett, be and they are hereby appointed trustees of the said village, and that Henry Goodrich be and he is hereby appointed collector, and Calvin Pardee treasurer thereof, to hold their respective offices from the passing of this act until the first Tuesday of May, in the year one thousand eight hundred and twenty, or until others be chosen in their stead.

Collector.

XVIII. *And be it further enacted*, That it shall and may be lawful for the legislature, at any time, to repeal or amend this act.

CHAP. XLVIII.

AN ACT directing when the accounts of the Treasury shall be annually closed, and for other purposes.

Passed March 12, 1819.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly,* That the accounts of the treasury of this state shall hereafter be annually closed on the last day of November, in order that the reports of the comptroller may be made and laid before the legislature at the commencement of its sessions.

II. *And be it further enacted,* That the agents of the state-prisons respectively, shall annually close their accounts on the last day of October, and render them to the comptroller on or before the first day of December following; and that it shall be the duty of the comptroller to accompany his annual report with a particular statement of the accounts of the said prisons.

III. *And be it further enacted,* That the inspectors of the state-prisons respectively, shall, on or before the fifteenth day of January, annually, make the reports required of them by law to the legislature.

CHAP. XLIX.

AN ACT establishing the Poughkeepsie and New-Paltz Ferry Company.

Passed March 19, 1819.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly,* That there shall be established a company of stockholders for the purpose of constructing, maintaining and managing a team ferry boat, to be used as such across Hudson river, between the village of Poughkeepsie and the town of New-Paltz, who shall be and are hereby created and made a corporation and body politic, in fact and in law, to be known and distinguished by the name of the Poughkeepsie and New-Paltz ^{Style.} Ferry Company; and by that name they and their successors forever shall and may have perpetual succession, and shall be and hereby are made capable in law of suing and being sued, pleading and of being impleaded, answering and of being answered unto, defending and of being defended, in all courts and places whatsoever; and also shall and may make use and have a common seal, and the same at pleasure alter; and also by that name shall be and they are hereby made capable in law of purchasing, holding and conveying any estate, real and personal, which may be necessary to enable them to fulfil the end and intent of the corporation hereby created.

II. *And be it further enacted,* That the stock of said company ^{Stock.} shall consist of five hundred shares, and that the amount to be paid for each share shall be twenty dollars, and that each share

Commissioners to receive subscription.

holder shall be entitled to a vote for every share he or she shall hold; and subscriptions for shares in the said company shall be taken in manner following, to wit: Henry D. Elting, Daniel H. Ostrom, George P. Oakley, Caleb Barker and Nicholas Thorne, shall be and they are hereby appointed commissioners for taking subscriptions; and each of the said commissioners shall, on or before the first day of May next, provide himself with a subscription book, and shall enter therein as follows: We whose names are hereunto subscribed, do for ourselves and our legal representatives, promise to pay to the Poughkeepsie and New-Paltz ferry company, the sum of twenty dollars for each share of stock in said company set opposite to our respective names, in such manner and proportions, and at such times and places as shall be directed by the directors of said company; and the said commissioners, respectively, shall open the books for taking subscriptions for the purpose aforesaid, on or before the said first day of May, and shall continue them open, from day to day, until one hundred shares are subscribed; and each subscriber, at the time of subscribing, shall pay to the commissioner or director as hereinafter mentioned, with whom he subscribes, three dollars for each share so by him subscribed; and as soon as the said one hundred shares are subscribed, the said commissioners shall cause an advertisement to be published in the public newspapers printed in the said village, thereby giving at least ten days notice when and where the said stockholders shall meet for the purpose of choosing, by ballot, five directors to manage the concerns of the said company for one year; and the day of such election shall forever thereafter be the anniversary day for the election of directors, and at the said first election, the said commissioners, or any two of them, shall preside, and on counting the whole number of votes taken at such election, shall declare, under their hands, in writing, the five persons having the greatest number of votes to be directors for the year ensuing, and shall forthwith notify them of their election, and when and where they are required to meet; and the said directors, or any three of them, being met, in pursuance of such notice, shall be a quorum, and shall elect one of their number for president, and they shall be capable of transacting the business of said corporation, and every act of a majority of such quorum shall be binding on the said company, and the said directors may meet when and where they think proper, and shall have full power to make such by-laws and regulations, not inconsistent with the laws of the United States, or of this state, as shall be necessary for the proper government of the said corporation, and shall and may appoint and employ such officers, agents, artists, workmen, and others, as they shall think necessary for executing the business of the said corporation, and allow and pay them such compensation for their services as they shall deem proper; and shall, after the subscription books of the commissioners are handed over to them, as hereinafter directed, keep open the said books until the whole number of shares are subscribed; and at the said first meeting of the said directors, the said commissioners shall hand over to the said directors their subscription books, respectively, together with all such sums of mo-

Election.

ney as they may have received from the subscribers to the stock of said corporation in the manner above mentioned.

III. *And be it further enacted*, That as soon as the said team ferry boat shall be completed, it shall be the duty of the said directors, to use and establish the same as a ferry boat across said Hudson's river, between the said village of Poughkeepsie and the town of New-Paltz, on the opposite shore, and to land and receive passengers, carriages, horses, cattle, goods, and produce of every description, at such places as the said directors may approve, between the south side of the dock of George P. Oakley and the north side of the dock of Martin Hoffman & Co. in the village of Poughkeepsie, and at the dock of Henry D. Elting, in the town of New-Paltz, permission for that purpose being first obtained from the owners of the docks or landings at which such ferry boats shall land; and shall and may demand, receive and take such rates of ferriage as the court of common pleas of Dutchess county shall, from time to time, order and direct. Ferry wharf to be kept

IV. *And be it further enacted*, That the directors of said company shall keep a just and fair account of all monies received by them; and shall make and declare a dividend of the nett profits among the stockholders of the said corporation, twice in every year, immediately preceding the first Wednesday of August and February; and on these days shall publish a notice thereof, and when and where the same will be paid, and shall cause the same to be paid accordingly. Accounts.

V. *And be it further enacted*, That this act be and hereby is declared to be a public act.

CHAP. L.

AN ACT to amend the act of incorporation of the Lake George Steam-Boat Company.

Passed March 19, 1819.

WHEREAS the Lake George Steam-Boat Company have, by their petition, prayed the legislature to make the alterations herein after mentioned to the act by which the said company is incorporated: Therefore,

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That the next election of directors of the Lake George Steam-Boat Company, shall be held within fifteen days after the passing of this act, and on the third Wednesday of December in each year thereafter, during the term of their charter, at the capitol, in the city of Albany; of which annual election, after the first election above prescribed, the president of the said company shall cause a notice to be published, for the space of thirty days at least, once in each successive week, in the newspaper printed in the said city of Albany, by the state printer.

II. *And be it further enacted*, That the said directors shall be, and hereby are required to meet on the day preceding the third

Wednesday of December in each year, at the capitol, in the said city of Albany, and then and there to adjust and settle their accounts relative to the business and transactions of the said company.

III. *And be it further enacted*, That the by-laws and resolutions of the said company, as well as of the directors thereof, shall be entered at full length in their book of minutes, for the inspection of the stockholders, and that such by-laws and resolutions shall be of no effect until so entered : *And further*, That it shall be lawful for the president, and a majority of the said directors, to call a meeting of the said directors, and to designate the place of such meeting, as often as in their opinion the interest and business of the said company shall require such meetings.

CHAP. LI.

AN ACT to amend the act entitled, "*an act vesting further powers in the trustees of the village of Newburgh.*"

Passed March 19, 1819.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That the trustees of the village of Newburgh, for the time being, be empowered to raise, annually, by tax, upon property situate in the said village, in their opinion benefitted by the introduction of water by aqueducts in the village, and upon persons using the said water, a sum equal to the interest of the money expended by the trustees in so bringing water into the said village, which shall be assessed and collected in the same manner as other taxes in said village are by law assessed and collected ; and that the money so raised shall be applied towards the contingent expenses of the village.

II. *And be it further enacted*, That the said trustees shall exact and receive, each year, for every license by them granted to any person to retail strong or spirituous liquors, to be drank in his or her store or shop, a sum not less than twenty-five, nor more than fifty-dollars ; and that the money so raised shall be applied by the said trustees, in the manner prescribed in the preceding section.

III. *And be it further enacted*, That nothing contained in the act entitled, "*an act to organize the militia,*" passed April 21st, 1818, shall be so construed as to compel the firemen in the said village to do military duty, except in cases of war, insurrection or rebellion : *Provided however*, That the said trustees shall, at no time, enrol or commission more than thirty men to each fire engine actually kept fit for use, in the said village.

IV. *And be it further enacted*, That the firemen belonging to any of the companies, in the said village of Newburgh, be and the same are hereby discharged from all fines imposed on them for neglect of military duty by any brigade court martial appointed by virtue of the said act entitled, "*an act to organize the militia.*"

CHAP. LII.

AN ACT to incorporate a Female Academy in the village of Waterford.

Passed March 10, 1819.

WHEREAS Guert Van Schoonhoven and others, have associated themselves for the laudable purpose of establishing a female academy in the village of Waterford, for the diffusion of female education : Therefore,

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That Guert Van Schoonhoven, Samuel Blatchford, and all such other persons as now are or shall hereafter become members of the said society, shall be and hereby are ordained, constituted and declared to be a body corporate and politic, in fact and in name, by the name of "The Waterford Female Academy;" and by that name they and their successors, forever hereafter, shall and may have succession; and by that name shall and may be persons in law capable to sue and be sued, plead and to be impleaded, answer and to be answered unto, defend and be defended, in all courts and places whatsoever, in all manner of actions, complaints, matters and causes whatsoever; and they and their successors may have a common seal, and may change and alter the same at their pleasure; and that they and their successors, by their name, shall be forever capable in law to purchase, take, receive, hold and enjoy any estate, real and personal whatsoever, to the use of them and their successors: *Provided always,* That the yearly income of the real and personal estate and hereditaments, held by the said corporation, do not or shall not, at any time, exceed the sum of twenty thousand dollars; and that they and their successors shall have full power and authority to lease such real estate and hereditaments, on such terms as they shall deem most beneficial, and also to dispose of all such personal estate, at their will and pleasure, as shall appear to them most advantageous for promoting the purposes of the said institution.

II. *And be it further enacted,* That there shall be forever hereafter seven trustees of the said corporation, who shall conduct and manage all the affairs thereof; and that the said trustees shall be members of said corporation, and the first trustees of the said corporation shall be Guert Van Schoonhoven, Samuel Blatchford, George Upfold, John Cramer, John Vibbard, John House and John Knickerbacker, who shall hold their offices until the first Tuesday of April, in the year eighteen hundred and twenty; and the trustees of the said corporation, for the time being, shall have power to establish a school, in the said village of Waterford, for the purposes aforesaid, whenever the members of the said corporation, at a quarterly meeting, by a majority of them, shall judge it expedient, for the more fully extending the benefits of female education, agreeable to the design of the said corporation.

III. *And be it further enacted,* That on the first Tuesday of April next ensuing, yearly and every year thereafter, on the first Tuesday of April, there shall be a general meeting of the members

of said corporation, at some convenient place in the said village of Waterford, to be fixed on by the by-laws of said corporation, and by a majority of such of them as shall so meet, they shall, by ballot, elect seven of their members to be trustees of the said corporation for the year next ensuing; and the said trustees shall have power to choose out of their own number, a president, a treasurer, and a secretary, who shall immediately enter on their said offices, and hold the same from the time of such election, for and during the space of one year, and until others shall be elected in their stead; and in case of any of the persons so elected to be trustees of the said corporation shall die, or resign, before the time of their appointed service expires, or shall refuse or neglect to act in, or execute the said office, then, and in every such case, the remaining trustees of the said corporation shall, within thirty days thereafter, by ballot, elect other or others of the members of said corporation, instead of him or them, so dying, resigning, refusing or neglecting to act, and that such person or persons, as shall have the greatest number of votes, at every such election, shall hold their said offices from the time of such election until the first Tuesday of April, then next ensuing, and until another or others shall be chosen in their stead: *Provided always*, That at each first meeting of the said trustees, after every annual election, it shall be in their discretion to appoint, out of the members of the said corporation, an additional number of trustees, not exceeding six.

By-laws. IV. *And be it further enacted*, That the trustees of the said corporation may make all such by-laws, rules and regulations, for the government and regulation of the said corporation and its affairs, and for the management and disposal of the property and estate of the said corporation, as they may deem requisite to promote the designs and intent of establishing this corporation, and the same, or any part of them, to alter, amend or repeal, from time to time, as they, or a major part of them, may think fit; and shall have power, whenever they may judge it necessary, to call a general meeting of the members of the said corporation, who may adjourn, from time to time, as to them shall seem proper.

Instructresses. V. *And be it further enacted*, That the said trustees, at a stated meeting, shall and may nominate and appoint one or more instructors or instructresses, to take charge of the school, under the care and direction of the said corporation; and also appoint such other officers or servants as they may think necessary, and to allow and fix their respective compensations; and such teachers or instructresses, officers or servants, or any of them, at their pleasure, to dismiss and discharge, and another or others to appoint in their stead: *Provided nevertheless*, That the funds of this institution, and the instruction to be given therein, shall be exclusively devoted to female education, and that no male student be at any time admitted as a pupil in the said academy.

Members. VI. *And be it further enacted*, That any person who shall contribute to the benefit of the society any sum of money, not less than twenty dollars, shall thereupon be a member thereof, and be entitled to the privileges granted to the members thereof by this act; and none others but contributors to the said society as aforesaid, shall be deemed members thereof.

VII. *And be it further enacted*, That this act shall be and is ^{Public act.} hereby declared to be a public act, and shall be construed benignly and favorably for every beneficial purpose hereby intended, nor shall any non user of the privileges granted hereby to the said corporation create or produce any forfeiture of the same, and no misnomer of the said corporation, in any deed, will or testament, grant, gift, demise, or other instrument, contract or conveyance, shall defeat or vitiate the same : *Provided* the corporation be sufficiently described to ascertain the intention of the parties.

VIII. *And be it further enacted*, That this academy shall be considered as one of the academies incorporated by and subject to the regulation of the regents of the university, and shall be entitled to the same rights and privileges, and to such distribution of the monies in the hands of the regents, as they may deem proper. ^{This academy to be subject to the regents.}

CHAP. LIII.

AN ACT *to amend an Act for the Relief of Isaac Wabby and Thomas Isaac, passed April 21, 1818.*

Passed March 19, 1819.

WHEREAS the said Isaac Wabby and Jane Wabby, his wife, in pursuance of the act aforesaid, by their deed, have granted, bargained, sold, aliened, and confirmed, lot number fourteen, in Brothertown, unto Thomas Dean : *And whereas*, The said Isaac Wabby and Jane Wabby, his wife, have petitioned the legislature of this state to ratify, confirm and make valid their said sale and deed to the said Thomas Dean : Therefore,

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the said sale and deed of the said Isaac Wabby and Jane Wabby, his wife, of lot number fourteen aforesaid, unto the said Thomas Dean, be and is hereby ratified and confirmed unto the said Thomas Dean, free from all claims hereafter to be made by the said Jane Wabby, to the said lot number fourteen, as her right of dower.

CHAP. LIV.

AN ACT *to change the Name of Nicholas Smalley to Thomas Staats.*

Passed March 19, 1819.

WHEREAS Thomas Staats hath, by his petition, represented that he hath no children ; that he hath brought up and educated a young man named Nicholas Smalley, whom he is desirous of making his heir, and that he is also desirous of transmitting his name, as well as his property, to the said Nicholas Smalley : *And whereas* the said Nicholas hath joined in the said petition, praying that his name may be changed to the name of Thomas Staats : Therefore,

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the name of the said Nicholas Smalley shall be, and the same is hereby changed to the name of Thomas Staats ; by which name he shall hereafter be called and known in all cases whatsoever.

CHAP. LV.

AN ACT for the Relief of the Trustees of the Washington Academy.

Passed March 19, 1819.

WHEREAS the trustees of the Washington Academy, situate in the town of Salem, in the county of Washington, have sustained heavy losses, by having two edifices, together with the apparatus and libraries belonging thereto, destroyed by fire : Therefore,

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the treasurer pay, on the warrant of the comptroller, to the trustees of the Washington Academy, out of any monies not otherwise appropriated, three thousand dollars, for the purpose of enabling them to rebuild said academy, and also to supply the same with suitable apparatus and library.*

II. *And be it further enacted, That it shall be the duty of the trustees of the Washington Academy to appropriate the monies which they shall receive by virtue of this act, to the uses and purposes expressed in this act, and for no other purposes ; and that they account to the comptroller for their faithful discharge of this trust.*

CHAP. LVI.

AN ACT for the Relief of George Loucks.

Passed March 19, 1819.

WHEREAS George Loucks, on the eighteenth day of September, in the year of our Lord one thousand eight hundred and nine, paid into the treasury of this state, the sum of twenty-eight dollars, with intention that the same should be applied to the payment of the interest due on a mortgage executed by Charles Hill, of lot number two, lying west of the two mile strip, in the town of Sullivan, in the county of Madison, and the same was, by mistake, passed to the credit of lot number forty-six, in the late Oneida reservation : Therefore,

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the comptroller of this state, be and he is hereby authorised to transfer the said twenty-eight dollars to the credit of the said Charles Hill, on the said mortgage of lot number two, as of the time when the same was paid into the treasury.

CHAP. LVII.

AN ACT authorising David I. Pell and Benjamin H. Underhill, to erect Mills on the Creek between East-Chester and Pelham, in Westchester County.

Passed March 19, 1819.

WHEREAS by an act of the legislature, passed April ninth, Preamble. eighteen hundred and five, there was granted to David I. Pell, Abijah Barker and Theodosius Hunt, the right to erect a grist mill and a saw mill, if they found it convenient, on the creek which divides the town of Pelham from the town of Eastchester, at or near a place called Fisher's landing, and near the turnpike bridge over the said creek : *Provided*, The same was erected within the term of six years after the passing of the said act : *And whereas*, The said grant has not been used for the purpose aforesaid ; and the said David I. Pell, together with Benjamin H. Underhill, hath, by the petition of a number of the inhabitants of the towns of Pelham and Eastchester, prayed for a renewal of the grant, to be made to the said David I. Pell and Benjamin H. Underhill : Therefore,

I. *Be it enacted by the people of the State of New-York,* Site of the *represented in Senate and Assembly,* That it shall and may be dam. lawful for the said David I. Pell and Benjamin H. Underhill, and their heirs and assigns, to erect and build a dam and gristmill, and a saw mill, if they shall deem it expedient to build a saw mill, on the creek which divides the towns of Eastchester and Pelham, at some place near Fisher's landing, and near the turnpike bridge over the said creek ; and that they shall procure, at their own expense, the necessary land for the said purpose, on each side thereof : *Provided always, and it is hereby enacted,* That such mill Proviso. dam shall not be higher than the surface of the salt meadows lying on the creek above the said dam ; nor shall the said salt meadows be drowned or injured thereby : and that in all cases of such injury, the owners and possessors of such meadows shall respectively have their remedy at law therefor, against the said David I. Pell and Benjamin H. Underhill, and their respective heirs and assigns : *Provided always,* That it shall at all times hereafter be competent for the legislature to amend this act, so as more effectually to prevent any public or private injury which may result from the erection of the said dam.

II. *And be it further enacted,* That in the erection of the before mentioned grist mill, (if placed near the said bridge or road) Conditions to be complied with. that then the water wheel shall be covered and hid from view ; and when completed for grinding, the said David I. Pell and Benjamin H. Underhill, and their respective heirs and assigns, shall, and are hereby bound, to keep and maintain one good and sufficient run of stones, and a bolt, for the use and accommodation of the inhabitants of the towns of Eastchester and Pelham ; and if two run of stones shall be erected in said mill, and the business of the country should require it, that then both run shall be employed for the use and accommodation of the inhabitants aforesaid, and to grind for them at the accustomed toll of the neighbouring

Provided mills : *Provided always*, That if the said dam and mill shall not be completed within the term of three years, so that there be one good and sufficient run of stones and bolt ready for the use of the inhabitants of the said two towns, then the privileges hereby granted shall be null and void.

CHAP. LVIII.

AN ACT for the Preservation of Trout, in certain Waters in the County of Washington.

Passed March 26, 1819.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That from and after the passing of this act, it shall not be lawful for any person or persons to take or catch any trout in the Battenkill, or in any of its tributary streams, in the said county of Washington, in any other manner than with hook and line.

II. *And be it further enacted*, That if any person or persons, shall take any trout in any of the said waters, contrary to the provisions of the preceding section of this act, he or they shall, for each and every offence, forfeit the sum of twenty-five dollars, to be sued for and recovered by any person who will prosecute for the same, in an action of debt, in his own name, with costs of suit in any court having cognizance thereof; the one half, when recovered, to be paid to the overseers of the poor of the town in which such forfeiture shall be recovered, and the other half to be for the use and benefit of the person who shall so prosecute for and recover the same.

CHAP. LIX.

AN ACT for the Relief of County Treasurers within this State.

Passed March 26, 1819.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be lawful for the comptroller of this state to receive the returns of all such arrears of taxes of the year one thousand eight hundred and seventeen, as were not returned to his office, from any of the county treasurers in this state who may have omitted to make such returns within the time limited by law : *Provided*, The same shall be returned to his office on or before the first day of July next ; any law to the contrary thereof notwithstanding.

CHAP. LX.

AN ACT erecting a new Town from Parts of Caledonia and Leicester, in the County of Genesee.

Passed March 26, 1819.

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That such parts of the towns of Caledonia and Leicester as are contained in the following bounds, to wit : Beginning in Leicester, at the southeast corner of lot number forty-eight, on the honorary creditors' tract, at the Genesee river ; thence westerly on the line of lots, to the road leading to Moscow ; thence due west across said road ; thence along the west line of said road to the southeast corner of lot number forty-five ; thence west along the south lines of lots number forty-five, forty-four, forty-three and forty-two, to the west boundary of the town of Leicester : thence northerly and easterly, along the western and northern boundary of said Leicester, to the southwest corner of the town of Caledonia ; thence northerly along the west boundary of Caledonia to the northwest corner of lot number thirty-five on the forty thousand acre tract ; thence east along the north line of lots number thirty-five, forty-three, fifty-one, fifty-nine, sixty-seven, seventy-five, eighty-three, ninety and ninety-four, to the southwest line of the Cannewagus Indian reservation ; thence southeasterly along the said line to the Genesee river ; thence southerly along said river to the place of beginning, be and hereby are erected into a new town by the name of York ; and the first town meeting to be held at the house of Nathan Russ, innholder, in said town : and that all the remaining parts of said towns of Caledonia and Leicester, shall be and remain separate towns by the names of Caledonia and Leicester.

II. *And be it further enacted,* That as soon as may be after the first town meeting, the supervisors and overseers of the poor of the said towns respectively, on notice being given for that purpose by the supervisors of the towns of Caledonia and Leicester aforesaid, shall meet together, and divide the money and poor belonging to the said towns of Caledonia and Leicester, previous to the division thereof, agreeable to the last tax list ; and that each of the said towns shall for ever thereafter respectively maintain and support their own poor.

CHAP. LXI.

AN ACT relative to the Courts of Common Pleas and General Sessions of the Peace, in and for the County of Steuben.

Passed March 26, 1819.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly,* That the court of common pleas and general sessions of the peace, held at the court house, in

the town of Bath, in and for the county of Steuben, shall hereafter be held at the three several terms following, to wit : on the third Tuesdays of June and October, and on the first Tuesday of February, in each and every year ; and each of the said terms of the said courts may continue to be held until the Saturdays following the said Tuesdays, inclusive.

II. *And be it further enacted*, That the first term of the said courts shall be held, as aforesaid, on the third Tuesday of June next ; and that all writs, process, notices, and recognizances, made returnable on the second Tuesday of May next, in the said courts respectively, shall be and hereby are made returnable in the said courts, on the third Tuesday of June next ; and that all adjournments, appearances, continuances and notices of, and proceedings in the said courts respectively, shall be held and taken to be made to and at the terms of the said courts respectively, as altered by this act.

III. *And be it further enacted*, That all acts or parts of acts, heretofore passed, relating to the times of holding the aforesaid courts, be and the same are hereby repealed.

CHAP. LXII.

AN ACT to incorporate an Association by the Name of a Bank for Savings, in the City of New-York.

Passed March 26, 1819.

Preamble.

WHEREAS the society for the prevention of pauperism in the city of New-York, have petitioned the legislature for an act of incorporation, for the laudable purpose of encouraging in the community habits of industry and economy, by receiving and vesting in government securities, "or stock created and issued under and by virtue of any law of the United States, or of this state, and in no other way," such small sums of money as may be saved from the earnings of tradesmen, mechanics, labourers, minors, servants, and others ; thereby affording the twofold advantage of security and interest ; and the legislature considering it their duty to cherish all laudable attempts to ameliorate the condition of the poor and labouring class of the community : Therefore,

W. Bayard
and others
incorporated.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That William Bayard, John Murray, junior, Noah Brown, William Few, Brockholst Livingston, Cadwallader D. Colden, George Arcularius, Thomas Buckley, Duncan P. Campbell, Benjamin Clark, James Eastburn, Henry Eckford, Thomas Eddy, Philip Hone, John E. Hyde, Peter A. Jay, Zechariah Lewis, Dennis McCarthy, Andrew Morris, James Palmer, John Pintard, Abraham Russell, Jacob Sherred, Joseph Smith, Najah Taylor, Jeroniah Thompson, William Wilson, and Samuel Wood, shall be and are hereby constituted a body corporate and politic, by the name of "The bank for savings in the city of New-York ;" and by that name they shall have perpetual succession, and shall be persons capable of suing and being sued, pleading and being impleaded, answering and being answer-

Style and
Form.

ed unto, defending and being defended, in all courts and places whatsoever ; and may have a common seal, with power to change and alter the same from time to time ; and shall be capable of purchasing, taking, holding and enjoying, to them and their successors, any real estate in fee simple, or otherwise ; and any goods, chattels and personal estate, which shall be necessary for the purposes above recited ; and of selling, leasing, or otherwise disposing of the said real and personal estate, or any part thereof, at their will and pleasure : *Provided always*, That the clear annual value of such real and personal estate, " exclusive of the profits that may arise from the interest accruing upon the stock, or from the sale of any stock in which the deposits made in the said bank, may be invested," shall not exceed the sum of five thousand dollars ; and that the trustees or managers of said institution, shall not, directly or indirectly, receive any pay or emolument for their services ; nor shall they issue any notes, make any discounts, or transact any business which belongs to, or is transacted by incorporated banks, other than is herein specified : *Provided also*, That the funds of the said corporation shall be used and appropriated to the promotion of the objects stated in the preamble to this act, in the manner herein mentioned, and those only. Provide.

II. *And be it further enacted*, That the said association, so incorporated, shall receive, as deposits, from persons of the description contained in the recital to this act, all sums of money that may be offered for that purpose ; in such sums, and on such terms, for the purpose of being invested as aforesaid ; which shall be invested accordingly, and shall be repaid to each depositor when required ; and at such times, and with such interest, and under such regulation, as the board of trustees, to be appointed as is hereafter mentioned, shall from time to time prescribe ; which regulations shall be put up in some public and conspicuous place in the room where the business of the said corporation shall be transacted ; but shall not be altered so as to affect any one who may have been a depositor previous to such alteration ; no president or vice president, trustee or accountant, shall directly or indirectly, borrow or use the funds of the corporation, except to pay necessary current expenses ; and all certificates or evidences of deposit, made by the proper officer, shall be as binding on the corporation, as if it were under their common seal ; and the said corporation shall, from time to time, have power to make, constitute, ordain and establish, such by-laws and regulations as they shall judge proper for the election of their officers ; for prescribing their respective functions, and the mode of discharging the same ; for regulating the times and places of meeting of the officers and trustees ; and for the transacting, managing and directing the affairs of the institution : *Provided*, Such by-laws and regulations are not repugnant to this act, to the constitution and laws of this state, or of the United States : *Provided further*, That it shall be the duty of the trustees of the said bank to regulate the rate of interest to be allowed to the depositors, so that they shall receive a rateable proportion of all the profits of the said bank, after deducting therefrom all necessary expenses authorised by this act to be incurred. Deposits. Provide.

Officers. III. *And be it further enacted,* That the officers of the said institution shall consist of a president, and three vice presidents, who, together with twenty-four trustees, shall constitute a board of managers; five of whom; "provided the president or one of the vice president be present," assembling at the time and place designated for that purpose by any by-laws or regulations of the institution, shall constitute a legal meeting thereof.

First officers. IV. *And be it further enacted,* That William Bayard, shall be president, John Murray, junior, first vice-president, Noah Brown, second vice-president, and William Few, third vice-president; Brockholst Livingston, Cadwallader D. Colden, George Arcularius, Thomas Buckley, Duncan P. Campbell, Francis Cooper, James Eastburn, Henry Eckford, Thomas Eddy, Philip Hone, John E. Hyde, Peter A. Jay, Zachariah Lewis, Dennis McCarthy, Andrew Morris, James Palmer, John Pintard, Abraham Russell, Jacob Sherred, Joseph Smith, Najah Taylor, Jeremiah Thompson, William Wilson, and Samuel Wood, be the first trustees, who shall constitute the first board of managers of said institution; and in case of a vacancy by death, resignation or otherwise, among the said officers and trustees, such vacancy shall be filled up by ballot by the board of managers at their first regular meeting, thereafter; and the person having the majority of the whole number present and voting, shall be considered as duly elected, and not otherwise; and the said board shall, from time to time, appoint a fit person as an accountant of the institution, removable at pleasure, who shall give such reasonable security for his fidelity and good conduct, as the board of managers may, from time to time, require; and they may, if necessary, appoint a clerk to assist him.

Clerks, &c. may be appointed.

V. *And be it further enacted,* That the board of trustees shall have power to appoint a clerk or clerks, and such other officers and servants, as they may deem necessary for conducting the affairs of the institution, and to remove them at their pleasure, and to appoint others in their places; and to fix the salaries of such clerks or other officers so appointed.

Report to be made.

VI. *And be it further enacted,* That it shall be the duty of this corporation to make an annual report to the legislature, and to the common council of the city of New-York, of the state of their funds.

Declared public act.

VII. *And be it further enacted,* That this act is hereby declared to be a public act, and that the same shall be construed in all courts and places favourably and benignly for every beneficial purpose therein intended; and that no misnomer of the said corporation, in any deed, gift, grant or demise, or other instrument of contract or conveyance, shall vitiate or defeat the same: *Provided,* The corporation shall be sufficiently described to ascertain the intention of the parties: *And provided also,* That the legislature may, at any time hereafter, amend or repeal this act, and dissolve the said corporation; or vary or modify its powers, as to them shall seem fit and proper.

CHAP. LXIII.

AN ACT to alter the Time of holding Town Meetings in the Towns therein mentioned.

Passed March 26, 1819.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly,* That after the year of our Lord one thousand eight hundred and nineteen, the annual town meetings in the towns of Gerry and Hanover, in the county of Chautauque; Barre, Attica and Alexander, in the county of Genesee; Champlain, in the county of Clinton; Duaneburgh, in the county of Schenectady; and Galen, in the county of Seneca; shall be held on the first Tuesday in March annually; and that all such town officers, whose duty it is to meet on the last Tuesday in March, shall meet on the last Tuesday in February in every year, to do and transact such business as to their respective offices may appertain.

II. *And be it further enacted,* That after the year of our Lord one thousand eight hundred and nineteen, the annual town meetings in the towns of Galway and Milton, in the county of Saratoga, shall be held on the first Tuesday of April, in each and every year; and that all such town officers, whose duty it was to meet on the last Tuesday of February, shall meet on the last Tuesday of March, to do and transact such business as to their respective offices may appertain.

CHAP. LXIV.

AN ACT further to amend the act entitled "an act to incorporate the city of Troy."

Passed March 26, 1819.

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly,* That every person committed to gaol by virtue of any execution issued upon any judgment recovered against him or her, for the violation of any by-law or ordinance of the common council of the city of Troy, now made, or which shall hereafter be passed pursuant to powers vested in them by law in relation to tipling-houses, grog or dram shops, or groceries, shall not be let to bail upon the gaol limits, but shall be confined within the walls of said gaol, without bail or mainprize, for the period directed by law, the cause of such recovery being briefly stated in the body of such execution, or indorsed on the back thereof by the magistrate who shall issue the same, any law to the contrary thereof notwithstanding.

II. *And be it further enacted,* That it shall and may be lawful for the common council of the city of Troy, to make and ordain such by-laws and ordinances to restrain all and every person, who shall not be duly licensed to sell and retail strong or spirituous li-

quors, under five gallons, or to keep an inn or tavern in said city, from selling or vending strong or spirituous liquors, in the same city, as they shall deem proper, under the penalty of a sum not exceeding twenty-five dollars, to be sued for and recovered in case of the violation of such by-laws or ordinances, in the same manner as penalties under the other by-laws of said common council are now by law prosecuted and recovered.

III. *And be it further enacted*, That it shall and may be lawful for the common council of said city, as commissioners of excise, to refuse to grant licenses to any person applying for license to retail strong or spirituous liquors, under five gallons, whenever they shall think the person so applying not of good moral character, or is not a suitable and proper person to receive such license; and also by a resolution, passed at a public meeting of said common council, to deprive any person or persons who may or shall have received such license of his, her or their license whenever said common council shall be of opinion that the public good requires that such person or persons should be deprived of his, her or their said license; and upon a copy of such resolution being served upon such person or persons, his, her or their license shall cease, be null and void, any law to the contrary thereof notwithstanding.

CHAP. LXV.

AN ACT for the relief of the Free School Society, in the city of New-York.

Passed March 26, 1819.

WHEREAS the free school society, of the city of New-York, in their laudable zeal to extend the benefits of education and useful knowledge, have incurred expenses beyond their power to discharge: *And whereas* it is deemed highly important to the interest and prosperity of the good people of this state, that so useful an institution should receive the fostering care of the government: Therefore,

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall be and is hereby made the duty of the treasurer of this state, on the warrant of the comptroller, to pay to the trustees of the free school society, in the city of New-York, the sum of five thousand dollars, to be by them applied towards the objects contemplated by the said institution; and it is hereby made the duty of the said trustees, to report to the legislature, at their next session, the mode in which the said appropriation has been expended and applied.

CHAP. LXVI.

AN ACT relative to the Jury Districts in the county of Washington.

Passed March 26, 1819.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly,* That so much of the act entitled, "an act to amend the act entitled, 'an act for building a court-house, and altering the terms of the courts of common pleas and general sessions of the peace, in the county of Washington, as relates to the jury districts of the county of Washington,'" be and the same is hereby repealed.

II. *And be it further enacted,* That from and after the passing of this act the county of Washington shall be divided into two jury districts, to wit: the towns of White-creek, Cambridge, Easton, Greenwich, Jackson, Salem, Hebron and Granville, shall compose the southern district; and the towns of Hampton, Whitehall, Fort Ann, Hartford, Argyle, Fort Edward and Kingsbury, shall compose the northern district.

III. *And be it further enacted,* That from and after the passing of this act, the inhabitants of the town of Putnam, in the said county of Washington, be and they are hereby exempt from serving as jurors at the courts of common pleas and general sessions of the peace, for the term of five years, any law to the contrary notwithstanding.

CHAP. LXVII.

AN ACT to amend an act entitled, "an act concerning the Inspection of Soal Leather.

Passed March 26, 1819.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That the person administering the government of this state, by and with the advice and consent of the council of appointment, shall, from time to time, and as often as a vacancy shall occur, appoint an inspector of soal leather, for the village of Utica, in the county of Oneida; and such inspector shall, before he proceeds to execute the duties of his office, take and subscribe, before one of the judges of the court of common pleas of the county of Oneida, the oath prescribed in the act entitled, an act concerning the inspection of soal leather, passed March 5th, 1813.

II. *And be it further enacted,* That the duties, regulations, provisions and penalties, prescribed in the before mentioned act, shall, in every respect, be in force, and apply to the inspector appointed by virtue of this act, and to all soal leather hereafter sold or offered for sale within the said village of Utica.

III. *And be it further enacted*, That on application of any persons, it shall and may be lawful for the inspector appointed by virtue of this act, to inspect soal leather in any other part of the county of Oneida, or in any part of the counties adjoining thereto: *Provided* there be no inspector of soal leather appointed for such part of a county, or in such adjoining counties.

CHAP. LXVIII.

AN ACT to amend an act entitled, "*an act to vest certain powers in the freeholders and inhabitants of the village of Salem, in the county of Washington,*" passed April 4th, 1803.

Passed March 26, 1819.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That from and after the passing of this act, all that part of the town of Salem mentioned and contained within the limits of the village of Salem aforesaid, shall be and continue, for the term of ten years, a separate highway district, as is directed in any by the act to regulate highways, passed March 19th, 1813.

II. *And be it further enacted*, That the trustees of said village shall, for all intents and purposes, under this act, be commissioners of highways for laying out, keeping in repair the roads, and assessing the inhabitants in said district, in the same manner as the commissioners of highways in the several towns in this state are now authorised to do by virtue of the last recited act.

III. *And be it further enacted*, That the freeholders and inhabitants of the said village of Salem aforesaid, shall, at their annual meeting thereafter, for the said term of ten years, elect one suitable person, from the freeholders, to be overseer of highways, in said district; which said overseer shall, within ten days thereafter, make due returns to the said trustees, in the same manner, and under the same restrictions and penalties as is the duty of overseers of highways, now to do in the town of Salem, by virtue of the said last recited act: *And further*, That the said overseer of highways, so elected as aforesaid, shall, before he takes upon himself the duties of the office, take the same oath as is directed to be taken by the several officers of the village of Salem by the act hereby amended.

CHAP. LXIX.

AN ACT authorising the Mayor, Aldermen and Commonalty of the city of New-York to take possession of certain unclaimed lands.

Passed March 26, 1819.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall be lawful for

the mayor, aldermen and commonalty of the city of New-York, and they are hereby authorised and empowered, to take peaceable possession of, or sue for and recover, and to hold, occupy and enjoy, all lots or pieces or parcels of land, situate, lying and being in the said city, which have or which may be sold for a term of time for the payment of any taxes or assessments in the said city, after the expiration of the term for which the same may have been or shall be so sold: *Provided* the rightful owner of the same shall not then claim possession of the same, and to have, hold and occupy the same until the rightful owner shall claim possession of the same, and shall pay all sums which may be due thereon for taxes, assessments, and also the value of the improvements which may be made, or erected upon the same by the mayor, aldermen and commonalty of the city of New-York, over and above all the rents, issues and profits which may be received by the mayor, aldermen and commonalty of the city of New-York for or on account of the rents, issues and profits of any such premises: *Provided always*, That the said mayor, aldermen and commonalty of the city of New-York, shall not be entitled to demand any sum of money for any such improvements, unless they shall have caused to be published in at least two of the public newspapers printed in the said city, for at least three months previous to the making of such improvements, a notification to the owners of the said lots, to appear and take possession of their said premises: *And further*, That in no case shall the owners of the said premises be compelled to pay for any such improvements a sum exceeding two-thirds of the value of their said lots of land: *And provided also*, That nothing herein contained shall interfere with or repeal the provisions of an act entitled, "an act authorising the mayor, aldermen and commonalty of the city of New-York to close streets and roads," passed April 20th, 1818.

II. *And be it further enacted*, That the mayor, aldermen and commonalty of the city of New-York, shall account for and pay over to the rightful owner of any such lots of land, all the rents, issues and profits which they may receive on account of such premises over and above the amount of all taxes and assessments due for or on account of the said premises, and over and above the value of all such improvements thereon as shall be made after the notification mentioned in the first section of this act, and as shall not exceed two-thirds of the value of said lots of land.

CHAP. LXX.

AN ACT relative to the Transfer of the Stocks of this State.

Passed March 26, 1819.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall be lawful for the president of the Manhattan company to do and perform all such necessary acts for the transfer of the stocks of this state, and to issue certificates for said stocks, in like manner, and with the like

effect, as if done by the cashier of the said Manhattan company, in virtue of his appointment, made pursuant to the third section of the act entitled, "an act to improve the funds, and to provide for the redemption of the funded debt of this state."

CHAP. LXXI.

AN ACT to amend an act entitled, "an act to reduce several laws relating particularly to the city of New-York into one act," so far as relates to the Justices Court in the said city.

Passed March 26, 1819.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the justices court in the city of New-York, having marine jurisdiction, shall be called and known by the name of the Marine court of the city of New-York; and the justices of the said court shall be called and known by the name of the justices of the Marine court of the city of New-York: Provided always, That the several persons now holding the said offices shall continue to hold the same until others shall be appointed and commissioned in their stead.*

II. *And be it further enacted, That the assistant justices of the city of New-York, shall not have jurisdiction to hear and determine any actions to be brought by any seaman or mariner, or other person, belonging to any ship or vessel, for seaman's wages, particularly mentioned and specified in the one hundredth and sixth section of the act hereby amended.*

CHAP. LXXII.

AN ACT in addition to the act entitled, "an act for the relief of the children of the late Robert Edmeston," passed the 29th March, 1816.

Passed March 26, 1819.

WHEREAS in and by the act entitled, "an act for the relief of the children of the late Robert Edmeston," passed the 29th day of March, 1816, certain duties are therein assigned to be performed by the chief justice and the surveyor-general, and doubts have arisen whether the same may be performed by the successor in office of the person then exercising the office of chief justice, to remove which doubts,

BE it enacted by the people of the State of New-York, represented in Senate and Assembly. That the present chief justice and surveyor-general, or their successors in office, be and they are hereby authorised to do and perform all the duties which by the said act were required to be performed by the persons then exercising the office of chief justice and surveyor-general respectively.

CHAP. LXXIII.

AN ACT to incorporate the Turin and Leyden Turnpike Road Company.

Passed March 26, 1819.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That Jonathan Collins, William Constable, James McVickar, George Davis, Oliver Bush, Anthony W. Collins, and their present and future associates, be and they are hereby created a body politic and corporate, in fact and in name, by the name and style of the Turin and Leyden Turnpike Road Company, for the purpose of making a good and sufficient turnpike road from an angle in the Boonville turnpike road, near the north end thereof, thence northerly by or near the house of Jonathan Collins, and thence in a northwesterly direction to the intersection of the state road, near the dwelling-house of Consider Williston, in the town of Turin; and by that name they and their successors may and shall have perpetual succession, and be in law capable of suing and being sued, defending and being defended against, pleading and being impleaded, answering and being answered unto, in all courts and places whatsoever, in all manner of action and complaints, matters and causes, and by the same name and style shall be in law capable of taking, purchasing, holding and conveying any estate, real or personal, for the use of the said corporation, not exceeding, in present value, three thousand dollars. Style:

II. *And be it further enacted*, That the stock of the said company shall consist of two hundred and fifty shares, of forty dollars each; and the directors herein after mentioned are hereby appointed commissioners to receive subscriptions for the said stock in the manner directed in and by the act entitled, "an act relative to turnpike companies," passed the 13th March, 1807. Stock.

III. *And be it further enacted*, That Pelatiah Ballow, Broughton White and Peter Post, or the majority of them, be and hereby are appointed to survey and lay out the said road, eighty feet wide, and to cause an accurate survey and description thereof to be made, and filed in the office of the clerk of the county of Lewis; and shall also have power, if the owners of the land over which the turnpike road passes demand payment therefor, and they and the said company do not, or cannot, agree on the price or damages to be paid therefor, to assess all such damages to the several proprietors as they may deem just and reasonable, under all the circumstances of the case; each of whom shall, before proceeding to make an assessment of damages as aforesaid, take and subscribe an oath well and faithfully to assess such damages, and shall make an inquisition, under their hands and seals, of all the damages, and acknowledge the same before some person competent to take the acknowledgment of deeds, and record the same in the clerk's office of the county of Lewis; and the said company, on payment of the said several sums of money, shall be seized in fee of all lands described as aforesaid, and paid for. Road how to be laid out.

Directors. IV. *And be it further enacted,* That the number of directors, for managing the concerns of the said company, shall be five; and the first directors shall be Jonathan Collins, William Constable, James McVickar, George Davis and Amos Higby, any three of whom shall be a quorum to transact business, and all of whom shall hold their offices till the first Monday of March next, or until others be elected: and the first Monday of March shall, hereafter, in every year, be the anniversary day for the election of directors.

Certain high-ways vested in the company.

V. *And be it further enacted,* That so much of the present public highway, as shall be occupied by the turnpike roads, shall be and hereby is declared to be vested in president and directors of the said company, from and immediately after the same shall be inspected and certified to be finished.

President. VI. *And be it further enacted,* That the said board of directors may annually appoint one of their number president, and such other officers as may be necessary for the convenient management of the concerns of the said company, and may also pass such by-laws, rules and regulations, as to them may appear meet and proper.

Tolls of toll.

VII. *And be it further enacted,* That the said president and directors may erect two turnpike or toll gates, at such points as they may deem proper, and may alter and remove them at pleasure, not within less than five miles of each other; at each of which gates they may receive the following tolls, comparing one half of the whole distance with a distance equal to ten miles, and no more, to wit: for every cart or waggon, drawn by one horse, mule or ox, six cents; for every cart or waggon, drawn by two horses, mules or oxen, twelve and an half cents, and for every additional horse, mule or ox, four cents; for every stage waggon, coachee, curricula, or other pleasure carriage, drawn by two horses, twenty-five cents, and for every additional horse, six cents; for every chair, sulkey, or chaise, with one horse, twelve and an half cents, and for every additional horse, six cents; for every horse rode, six cents; for every horse or mule driven, four cents; for every sleigh or sled, drawn by two horses, oxen or mules, eight cents, and for every additional horse, mule or ox, four cents; for every sleigh or sled, drawn by one horse, ox or mule, six cents; for every score of neat cattle, twenty cents; and for every score of hogs or sheep, eight cents; but no person shall be bound to pay toll at either of the said gates, who may live within one mile of the existing roads, which may be occupied by the said turnpike, nor any person passing to or from any place of public worship on the sabbath, or to or from a funeral, or to any grist or saw mill, for family use, blacksmiths shop usually resorted to, or going to or returning from a physician, in case of sickness, or to or from an election, town meeting, training, or court of justice, being an elector, enrolled in the militia, or being a party, juror, or witness, at such court; and that not more than one half of the above tolls shall be demanded or received for or on account of any waggon, or other carriage, passing on the said road, the tire or track of the wheel whereof is six inches, nor more than one fourth for those nine inches wide.

VIII. *And be it further enacted*, That the chord of the arch of the road, hereby authorised to be made, shall not be less than twenty feet; and the company, hereby incorporated, shall have and enjoy all the rights and privileges, powers and immunities, which are granted and given, and be subject to all the conditions, provisions, restrictions and regulations, of the act entitled, "an act relative to turnpike companies." Privileges, &c

CHAP. LXXIV.

AN ACT to amend the act entitled, "an act to revive and declare in full force, an act to incorporate a Company for making a Turnpike Road from New Paltz westward, and for other purposes."

Passed March 26, 1819.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That as soon as one hundred shares of stock are subscribed for the making of the said turnpike road, it shall be lawful for the stockholders to proceed to a choice of directors, in the manner prescribed by the above mentioned and revived act; and that it shall not be necessary to form the arch of the said turnpike road of any greater width than twenty-two feet; any thing in the said act to the contrary notwithstanding.

II. *And be it further enacted*, That Solomon Ferris and Nicholas Thorne, be and they are hereby appointed commissioners, who, together with Daniel H. Ottorm and Josiah R. Elting, shall perform all the duties mentioned and specified in the fourth section of the said act; and that so much of the said act as appoints John Noyes one of the commissioners, and requires the formation of sleigh paths on the sides of said road, be and the same is hereby repealed.

CHAP. LXXV.

AN ACT for the Relief of Philip Pond and others.

Passed March 26, 1819.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for Philip Pond, and all others, legally interested in a tract of one thousand acres of land, in the town of Augusta, in the county of Oneida, heretofore leased by the surveyor-general to John Gregg, senior, John Gregg, junior, and James Alexander, to surrender all the original leases for the said one thousand acres of land: and the said surveyor-general shall and may thereupon give to the said Philip Pond, and each of the other persons legally interested in said lands, a certificate for his part thereof: *Provided*, That

each of the said persons so interested shall execute a bond to the people of this state, for the payment of a sum of money, the interest of which; at six per centum, shall be equal to the rent which the said tenants now respectively pay; and which said bond shall be on the same terms and conditions as bonds executed for lands bought of the surveyor-general under the "act concerning the commissioners of the land-office, and the sale of unappropriated lands," passed April 6, 1813: *Provided always, and it is the true intent and meaning of this act*, That the people of this state shall not be liable to the above named lessees, their heirs or assigns, for any incumbrances or impeachments of the title of the above mentioned premises, or any part thereof, with the appurtenances, which the said title may be subject to, at or prior to the time of such surrender as aforesaid, by means of any act done or suffered by the said lessees, their heirs or assigns.

CHAP. LXXVI.

AN ACT for the Relief of the Settlers on the Tract of Land known by the Name of Mine Reservation, lying east of the Cayuga Lake.

Passed March 26, 1819.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That it shall be lawful for the surveyor-general, and he is hereby directed to appoint two proper persons, not interested in the said land, to appraise and make out a true valuation, exclusive of improvements, of each and every lot on the mine reservation, east of the Cayuga lake, and make a return thereof to him as soon as may be, on or before the first day of September next: *Provided however*, That the said appraisers, before they make their appraisement, shall take an oath before one of the judges of the court of common pleas of the county of Cayuga, well and faithfully to discharge the duties imposed upon them by the said appointment.

II. *And be it further enacted*, That whenever such valuation and appraisement shall be made and returned, as directed in the first section of this act, it shall be lawful for, and the commissioners of the land-office are hereby required, if they shall approve of such valuation, to grant letters patent to each of the occupants on the said Mine Reservation, for the several lots of land in the said reservation, which they respectively occupy, upon their paying one fourth part of such valuation or appraisement, by the first day of January next, and securing the remainder thereof by bonds and mortgages to the people of this state, to be paid in four equal payments in each successive year thereafter, with interest, at the rate of six per cent. per annum: *Provided nevertheless*, That such patents shall be issued on or before the first day of January next; and that the expenses of such appraisement be averaged among the purchasers, and added to the price or valuation of the said lots respectively.

CHAP. LXXVII.

AN ACT to vest certain Powers in the Freeholders and Inhabitants of the Village of Rome.

Passed March 26, 1819.

I. BE it enacted by the people of the State of New-York, ^{Bounds of the village.} *That the district of country comprising the following limits, to wit: beginning at the junction of the Erie canal and Wood creek, near the white house, called "the Clark house;" thence down the canal to the west line of George Houses farm; thence on the line of Houses' farm to a poplar tree, ten links south of the old canal; thence north seven degrees, thirty-nine chains sixty links to the east corner of Fero's barn; thence north eighteen and an half degrees, west fifty-five chains twenty-nine links to the east corner of Jacob Tibbits' barn; thence north twenty-five degrees, west to the east corner of Bloomfield's garden; thence north eighty degrees, west to Wood creek; thence down Wood creek to the place of beginning, in the town of Rome, in the county of Oneida, shall be hereafter known and distinguished by the name of "The village of Rome;" and the free- ^{Style.} *holders and inhabitants qualified to vote at town meetings, who may, from time to time, reside within the aforesaid limits, may on the first Tuesday of June meet, at some proper place to be appointed by any justice or justices of the peace within the said village, and notified to the inhabitants thereof, at least one week previous to the said first Tuesday of June; and then and there proceed to elect five freeholders, resident within the said village, to be trustees thereof; who, when chosen, shall possess the several powers and rights herein after specified; and such justice or justices shall preside at such meeting, and shall declare the several persons having the greatest number of votes, as duly chosen trustees; and on every first Tuesday of June thereafter, there shall, in like manner, be a new election of trustees for the said village; and the trustees, for the time being, shall perform the several duties required from the said justice or justices, in respect of notifying the meeting of the freeholders and inhabitants of the village, and presiding at such election.**

II. And be it further enacted, ^{Powers.} *That all the freeholders and inhabitants, residing within the aforesaid limits, be and they are hereby ordained, constituted and declared to be, from time to time, and for ever hereafter, a body politic and corporate, in fact and in name, by the name of the "Trustees of the village of Rome;" and by that name they and their successors, shall and may have perpetual succession, and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever; in all manner of actions, complaints, and causes whatsoever; and that they and their successors may have a common seal, and may change and alter the same at pleasure; and shall be capable in law of purchasing, holding and conveying any estate, real or personal, for the use of the said village: *Provided,**

Said real estate be within the said village ; and of erecting public buildings, such as fire engine houses ; of raising money by tax, for erecting those public buildings, purchasing such real or personal property, procuring fire engines and other utensils for extinguishing fires, and for making a reasonable compensation to the officers of the corporation, and for making any necessary repairs or improvements in said village ; which monies so to be raised shall be assessed upon the freeholders and inhabitants of said village, according to law, by not less than three nor more than five judicious assessors, who shall be freeholders in said village, to be chosen by the inhabitants of said village, qualified to vote at town meetings, and collected by the collector of the corporation, to be chosen by the trustees of said village annually, in like manner as the taxes of towns and counties are collected, by virtue of a warrant to him directed by a majority of the trustees : *Provided nevertheless*, That no tax shall be levied or monies raised, assessed, or collected, for the purposes aforesaid, or any other purpose, and no purchase or sale of any real estate made, and no public buildings erected or disposed of, without the consent of the legal voters of the said village, in open meeting, duly warned and notified, first given and expressed by a majority of the votes then and there given.

III. *And be it further enacted*, That it shall and may be lawful for the trustees of said village, or the major part of them, by this act authorised to be chosen, and for their successors in office, for ever, from and after the first Tuesday of June next, to make, ordain, constitute and publish, such prudential by-laws, rules and regulations as they, from time to time, shall deem meet and proper ; and such in particular as relate to public markets within said village, relative to the streets, alleys, and highways therein ; and draining, filling up, paving, keeping in order, and improving the same, and establishing and improving side walks therein ; and relative to slaughter houses, and nuisances generally ; relative to the number of taverns and inns to be licensed in said village ; relative to the restraining of geese, swine, or cattle of any kind ; relative to the inspection of weights and measures ; and relative to erecting and regulating hay scales ; and relative to any thing whatsoever that may concern the public and good government of the said village ; but no such by-laws shall extend to the regulating or ascertaining the prices of any commodities or articles of provision, except the article of bread, that may be offered for sale : *Provided*, That such by-laws be not contrary to, or inconsistent with, the laws and statutes of this state or of the United States ; and it shall also be lawful for said trustees, or a majority of them, to require the householders and occupants of buildings, in the said village, under suitable penalties, to furnish themselves with a sufficient number of fire buckets, and other necessary utensils, for extinguishing fire ; and also to keep their fire places, chimnies, stoves, and stove pipes, clean and in good repair.

IV. *And be it further enacted*, That the said trustees, or a majority of them, as often as they shall make, ordain and publish any by-laws, for the purposes aforesaid, may make, ordain, limit and provide such reasonable fines, penalties and forfeitures, against

the offenders of such by-laws, as they may think proper, not exceeding twenty-five dollars for any one offence ; to be prosecuted and recovered before any justice of the peace or court having cognizance of the same, by the trustees, to and for the use of the said corporation ; and in all cases it shall be deemed sufficient for said trustees, in any suit or action to be brought for any such fines, penalties and forfeitures, to declare generally that the defendant or defendants, are indebted to the trustees of the village of Rome, in the amount of such fine, penalty or forfeiture, to be paid to the said trustees for the time being, when thereunto required ; and under such declaration to give the special matter in evidence ; and the freeholders and inhabitants of said village shall be deemed competent to act as jurors and to give testimony in any cause wherein the said trustees are a party, notwithstanding any remote interest which they may have as members of such corporation. Taxes.

V. *And be it further enacted*, That the person in possession of any real estate in the village of Rome, at the time any tax is assessed, shall be liable to pay the amount assessed thereon ; and in case such person is not bound by contract or otherwise, to pay such tax or any part thereof, he or she shall and may recover the same from the owner of such real estate, or other person, whose duty it was to have paid the same ; and all taxes upon any real estate in said village, shall be a lien thereon.

VI. *And be it further enacted*, That the inhabitants of the said village of Rome, qualified to vote at town meetings, at the annual meetings in every year to be held for choosing trustees, or any other meeting, duly notified, shall, and they are hereby authorised to choose, by a majority of votes, not less than three, nor more than five, judicious freeholders, inhabitants of said village, as assessors, and one treasurer, and one clerk, and one collector ; and it shall be the duty of the said clerk to keep a faithful record of all the doings and votes of the inhabitants of said village, at their annual and other legal meetings, in a book by him to be procured. Treasurer,
clerk and col-
lector.

Oath to be
taken.

VII. *And be it further enacted*, That the trustees, assessors, treasurer, clerk, and collector, shall, within ten days after their election and appointment, and before they proceed to the exercise of their several offices respectively, take and subscribe an oath or affirmation, before any justice of the peace in said village, or county of Oneida, that they will faithfully execute the office or trust to which they may be severally elected, which oath shall be forthwith filed in the office of the said clerk.

VIII. *And be it further enacted*, That the treasurer and collector, hereafter to be elected, before they enter upon the duties of their respective offices, give such security for the faithful performance of the trust reposed in them, as the major part of the trustees, for the time being, shall deem sufficient. *And whereas*, It is necessary for the good government of the said village, that it should be more particularly the business of some one of the trustees of said village to attend to its more immediate concerns : Therefore,

IX. *Be it further enacted*, That the trustees, within ten days, after their election, in every year, or the major part of them, shall, and it is hereby made their duty, to assemble in some con- Bonds to be
given.

President to
be chosen

venient place in said village, and then to choose and appoint some suitable person of their body to be president of said board of trustees, whose duty it shall be, when present, to preside at the meeting of the trustees ; to order extraordinary meetings of the trustees, whenever he shall think proper ; to receive complaints of the breach of any of the laws ; to see that the by-laws, rules and ordinances are faithfully executed and observed ; and to prosecute, in the name of the trustees, all offenders against such by-laws ; and whose duty it shall be, more particularly, to see that the public property belonging to the said village, and relating to the fire engines and utensils, be suitably taken care of and kept in order ; and to do such other acts and things, as may be proper for him as president of the board of trustees to do : and in case of the death or disability of such president, the said trustees shall proceed to elect out of their body, a successor, in manner as above mentioned ; and it is hereby made the duty of the said trustees to keep a record of their doings, especially of their by-laws, rules and regulations.

Collector's
duty.

X. *And be it further enacted*, That the collector shall, within such time as shall be hereafter specified by the by-laws of said corporation, next after the receipt of his warrant for the collection of any tax that may have been ordered to be raised, collect and pay over the same to the treasurer ; and all monies at any time in the hands of the treasurer, shall be liable to be drawn out by the trustees, or the major part of them, and applied and disposed of as shall have been directed by the inhabitants of said village.

Accounts to
be kept.

XI. *And be it further enacted*, That the trustees shall keep a just and accurate account of their necessary expenses and disbursements, at all reasonable times open to the inspection of the inhabitants of the said village ; and on exhibiting the same to the treasurer, shall be entitled to receive the amount thereof out of any money in the treasury : and that the treasurer, collector, assessors, and clerk, shall be paid for their several services, such suitable compensation as the said trustees, or a majority of them, by a by-law of the corporation, shall provide ; and that the said trustees shall receive for their services such reasonable compensation as the inhabitants of said village, at their annual meetings, shall think proper to grant and allow.

Continuance
in office.

XII. *And be it further enacted*, That the trustees to be elected, by virtue of this act, shall continue in office, and be authorised to exercise all the powers, and perform all the duties in this act contained, and belonging to their office of trustees as aforesaid, until the first Tuesday of June next following after their election as trustees as aforesaid, and until a new election for trustees of said village, shall be made pursuant to this act, and until the said trustees so last chosen, shall take and subscribe the oath or affirmation of the office of trustee.

Firesmen.

XIII. *And be it further enacted*, That it shall be the duty of the said trustees, or a majority of them, and they are hereby authorised and empowered, to appoint and elect, under the hand of the president of the board and seal of the village, three fire wardens, whose duty it shall be to inspect all chimnies, stoves, and stove pipes, and to direct at what time the chimnies and stove pipes

shall be cleaned ; and to do whatever else the trustees in the by-laws may order for the better prevention and extinguishing of fires in said village ; and also for the said trustees, or a majority of them, to appoint twenty firemen, whenever it may become necessary, in addition to the number now in said village, and they are hereby authorised to displace all or any of them, as often as they shall think fit, and others to appoint in their place.

XIV. *And be it further enacted*, That if any of the inhabitants of said village, qualified as aforesaid, shall hereafter be elected or appointed a trustee, or assessor, or fire warden, and having notice thereof, shall refuse, deny, delay, or neglect, to take upon him or them to execute such trust or office to which he or they shall be elected, then, and as often as it shall happen, it shall and may be lawful for the trustees, or the major part of them, to assess and impose upon every such person or persons, so neglecting, delaying, or refusing, such reasonable fine or fines, not exceeding twenty dollars, as they, the said trustees, or the major part of them, may think fit ; to be recovered by action of debt, with costs, in the manner herein before directed for the recovery of penalties or forfeitures imposed by laws of the said trustees.

Penalty for not serving when elected to office.

XV. *And be it further enacted*, That it shall and may be lawful for the trustees of said village, or the major part of them, from time to time, to make ordinances to regulate the assize and quality of bread to be baked, offered, or exposed for sale, by any baker or other person within the said village, and to inflict reasonable penalties upon all the offenders against the said ordinances.

Assize of bread.

CHAP. LXXVIII.

AN ACT to annex a Part of the Town of Schaghticoke to the Town of Lansingburgh, in the County of Rensselaer.

Passed March 26, 1810.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That so much of the town of Schaghticoke, in the county of Rensselaer, as is bounded on the west by Hudson's river, on the north by a line commencing at the mouth of a brook called Deepy-kill, and running along the middle of said brook in an easterly direction, until it intersects the western line of the town of Pittstown ; thence along the said western line of the town of Pittstown, to the town of Brunswick ; thence along the north line of said town of Brunswick to the said town of Lansingburgh, be, and hereby is annexed to the town of Lansingburgh.

II. *And be it further enacted*, That from and after the passing of this act, the said town of Lansingburgh, together with the before mentioned part of the said town of Schaghticoke, shall be and remain a town by the name of Lansingburgh ; and that the remaining part of the town of Schaghticoke be, and remain a separate town by the name of Schaghticoke.

III. *And be it further enacted*, That as soon as conveniently may be, after the passing of this act, the supervisors and overseers of the poor of the towns of Schaghticoke and Lansingburgh aforesaid, shall, pursuant to notice to be given by the supervisors of the towns last aforesaid, for that purpose meet together, and apportion the poor maintained, at the time of the passing of this act, by the town of Schaghticoke, and also divide all the money which is, or may be, in the hands of the overseers of the poor of the said town of Schaghticoke, in an equitable manner; and if the supervisors and overseers of the poor aforesaid cannot agree upon such division, then the supervisors of the county, at their next annual meeting, shall apportion the poor and money between the said towns of Schaghticoke and Lansingburgh, in an equitable manner as aforesaid.

And whereas, It appears that the said town of Lansingburgh has heretofore raised the sum of five hundred dollars, as a fund towards the building a poor house, which remains now on hand; Therefore,

IV. *Be it further enacted*, That the assessors of the town of Lansingburgh be, and are hereby further authorised, at the next assessment of the said town, to add on to the assessment of the inhabitants living in that part of the said town of Schaghticoke, hereby annexed to the said town of Lansingburgh, the sum of eighty-five dollars, being the proportional sum they ought to raise for building a poor house as aforesaid.

CHAP. LXXIX.

AN ACT to amend an act entitled, "An act to authorise the sale of certain parts of the Real Estate of Ezra L'Homedieu, deceased," passed April 15, 1817.

Passed March 26, 1819.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for Sylvester Dering and Mary C. L'Homedieu, surviving executor and executrix of the last will and testament of the said Ezra L'Homedieu, deceased, to sell and convey, under the direction of the chancellor, certain wild and uncultivated lands, lying in the county of Madison, of which the said Ezra L'Homedieu died seised, and to vest the monies arising from such sales conformably to the directions of the first section of the act hereby amended.

CHAP. LXXX.

AN ACT concerning Edward Ross.

Passed March 26, 1819.

WHEREAS William D. Ross and Henry H. Ross have, by their petition to the legislature, represented that their brother,

Edward Ross, of the town of Essex, in the county of Essex, has been, by an unfortunate accident, almost entirely deprived of his sight, and that he is possessed of a farm, in the town of Essex, and is entitled to an annuity for life, of four hundred dollars ; and that he has contracted habits of intemperance to so great a degree, as to be entirely incapable of managing his estate, or taking care of his person : Therefore,

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That it shall be lawful for the chancellor, upon the application of the said William D. Rosa and Henry H. Ross, or either of them, and satisfactory proof of the truth of the facts above recited, to issue a writ, in the nature of a writ *de lunatico inquirendo*, directed to three discreet and impartial commissioners, thereby commanding them, or any two of them, to inquire, by the oath of twelve good and lawful men, being freeholders and inhabitants of the said county of Essex, of the truth of the said facts, and of such other matters as he shall deem proper to direct : and that it shall be the duty of the said commissioners and jury, to make an inquisition under their respective hands, touching the subjects of their inquiry, and annex the same to the said commission ; and if, upon the return of such commission and inquisition, it shall appear to the chancellor fit and proper so to do, he is hereby authorised and required to appoint a committee to take the custody of the person and estate of the said Edward Ross, in like manner and with the like power, and under the like restrictions, as in a case of lunacy.

II. *And be it further enacted*, That the said committee shall give such security as the chancellor shall direct, for the due execution of their trust, and to render a just and true account thereof, whenever, and as often, as the chancellor shall direct.

III. *And be it further enacted*, That it shall be lawful for the chancellor, upon the application of the said committee, to make such order, or orders, relative to the management and disposition of the estates of the said Edward Ross, and of the rents, issues and profits thereof, as he shall, from time to time, deem beneficial to the said estates.

CHAP. LXXXI.

AN ACT for the preservation of Trout in the Owasco Lake, in the county of Cayuga.

Passed March 26, 1819.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall not be lawful for any person or persons to fish with nets, seines or spears in the Owasco lake, in the months of October, November and December ; and every person who shall offend herein shall forfeit and pay the sum of ten dollars, to be sued for and recovered, with costs of suit, in an action of debt, before any justice of the peace in said county of Cayuga; one half of which forfeiture, when recovered, shall

be for the use of the poor of the town where such offence shall be committed, and the other half for the use of the person who shall prosecute for the same.

CHAP. LXXXII.

AN ACT to amend an act entitled, "*an act to incorporate the Montezuma Turnpike and Bridge Company.*"

Passed April 2, 1819.

Company authorized to make a certain road. I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly,* That it shall and may, be lawful for the president, directors and company of the Montezuma turnpike and bridge company to cause to be laid out, worked, and made, a turnpike road, from the said village of Montezuma, extending eastwardly, until it intersects the northern Seneca turnpike road at or near the west line of the town of Camillus, conforming in all things to the directions of the act relative to turnpike companies, and which road, when made, shall be considered as belonging to and forming a part of the turnpike road specified in the act hereby amended; and that the said company be authorised to increase their stock the sum of fifteen thousand dollars, if they shall make the same additional turnpike road; and that Samuel Tyler, of Marcellus; Timothy Brown and Charles J. Merriman, of Camillus, be and they are hereby appointed commissioners for laying out the said road.

And to increase their stock. Commissioners appointed.

Commencement of the road.

II. *And be it further enacted,* That it shall and may be lawful for the said company, if they shall deem the same necessary, to commence the turnpike road, specified in the act hereby amended, at or near the village of Auburn, in the town of Aurelius, and extend the same from thence to the village of Montezuma.

Certain time extended.

III. *And be it further enacted,* That the time specified in the act hereby amended for building the said bridge, causeways and roads therein and in this act mentioned, shall be extended to the term of three years from and after the passing of this act, and that the time during which the said bridge, causeways and roads shall remain the property of the said company shall be computed from the time the said company shall commence taking toll thereon.

A separate stock created.

IV. *And be it further enacted,* That the said company shall be authorised to make the stock in the said bridge and causeways or roads over the said, Seneca river and marshes a separate stock, to be called the bridge stock, and to divide the tolls arising from the said bridge among the proprietors of the said bridge stock; which severance shall not invalidate the subscriptions heretofore made in the said company, any thing in the said herein amended act to the contrary thereof in any wise notwithstanding.

Frauds in paying toll.

V. *And be it further enacted,* That if any person shall fraudulently evade, or shall aid and assist any person in fraudulently evading the payment of the toll for passing the said bridge, that every such person shall forfeit and pay to the said company the sum of five dollars for every such offence, to be recovered, with

costs of suit, by the said company, by action of debt, in the name of the treasurer of the said company, in any court having cognizance thereof, which action shall be considered transitory in its nature.

CHAP. LXXXIII.

AN ACT concerning the State-Prisons, and for other purposes.

Passed April 2, 1819.

I. *BE it enacted by the People of the State of New-York, re-* Coroner has to take in-
presented in Senate and Assembly, That from and after the first
day of June next, after the passing of this act, it shall not be law-
ful for the coroner of the city of New-York, or of the county of
Cayuga, to hold any inquest or view in the state-prisons, in either of
the said counties, upon the bodies of deceased convicts, unless up-
on the request of the agent or keeper of either of the said prisons,
under the direction of the inspectors of such prison; and it shall
be the duty of the inspectors, agent or keepers of such prisons to
call the coroner in all cases of death by casualty.

II. *And be it further enacted, That it shall be the duty of the* Register to be kept.
resident and visiting physicians and surgeons, at the respective
state-prisons, to keep a register of all deceased convicts, stating
their names, ages, places of birth, time of death, disease, and all
other circumstances which they may esteem necessary; which re-
gister shall always remain at the said prison, and be open to in-
spection.

III. *And be it further enacted, That if any prisoner, in either* Corporeal punishments in the prison allowed.
of the state-prisons in this state, shall refuse to comply with the
rules of the institution, or refuse to perform their daily task, or
shall resist any of the officers of either of the prisons in their law-
ful authority, or shall wilfully destroy any of the property within
the said prisons, it shall and may be lawful, and it is hereby de-
clared to be the duty of the respective keepers, under the direc-
tion of the inspectors, to inflict corporeal punishment on such pri-
soners, by whipping, not to exceed thirty-nine lashes at any one
time, or to confine them in solitary cells, on bread and water, or to
put them in irons or stocks, as the inspectors may deem necessary,
in their discretion, proportionate to the degree of offence: Provi- Proviso.
ded, when corporeal punishment be inflicted on any prisoner, by
whipping, it shall be the duty of at least two of the inspectors to
be present: And provided further, That no punishment, by
whipping, shall be inflicted on a female.

IV. *And be it further enacted, That it shall be the duty of* Prisoners may be confined in separate cells in certain cases.
the several keepers, under the direction of the inspectors of the
respective state-prisons, as far forth as the interior structure of the
said prisons will permit, to confine each prisoner in a separate cell
during the times they shall not be engaged at work, or their ex-
emption from such separate confinement, shall be in the opinion of
such keeper or inspectors necessary and proper; and that it shall
also be the duty of the said keepers, under the direction of the in-

spectors, as far as the arrangements of the prison will allow, to separate and to keep alone and apart from the other convicts, those prisoners who have been convicted of the higher crimes, those who have been twice, or oftener, imprisoned, those who are young, those who are old, those who are healthy, and those who are unhealthy.

Convicts may
be employed
as roads, &c.

V. *And be it further enacted*, That it shall and may be lawful for the keepers of the gaols, bridewells, penitentiaries, or solitary cells, in any of the counties of this state, and they are hereby authorised and empowered, upon application, and with the consent of the supervisors of the county, from time to time, to cause to be employed as many of the convicts, who are capable of hard labor, as the said keeper and supervisors shall agree upon for that purpose, upon any of the public avenues, highways, roads, streets, or other works, in the county in which such prisoners shall be confined, or in any of the adjoining counties, upon such terms as shall be agreed upon; and when so employed, the said convicts shall be well chained and secured, and subject to such regulations as the said gaoler, from time to time, shall prescribe.

Inspectors to
be appointed.

VI. *And be it further enacted*, That it shall and may be lawful for the governor of this state, by and with the advice and consent of the council of appointment, to appoint five inspectors for the state-prison at Auburn, who shall hold their appointments during the pleasure of the council, and whose duties are hereby declared to be the same as prescribed for the inspectors of the prison at New-York, unless otherwise provided by law, and in addition to their duties respecting the building of said prison: *And further*, That the sixteenth section of the act hereby amended be and the same is hereby repealed: *Provided*, That the present inspectors of the said prison, and other officers now appointed therein, shall continue in office until superceded by the appointments to be made under and by virtue of this act.

Power of in-
spectors.

VII. *And be it further enacted*, That the inspectors of the state-prison, at Auburn, shall be and they are hereby authorised to alter or change the interior plan of said prison, which is yet unbuilt, from the original adopted plan, so far as to render the same more suitable for confining each prisoner in a separate cell, and also to alter the plans of the workshops, with a view of employing the convicts in such kinds of business as shall be the most productive to the state: *Provided*, That the said alterations of the plan shall be detailed, and, together with a profile thereof, submitted to the chancellor and judges of the supreme court, and approved of by a majority of them: *And provided further*, That such alterations shall not exceed the present estimate for the unfinished part of the building above or beyond twenty thousand dollars.

Provided.

Further pro-
viso.

VIII. *And be it further enacted*, That the agent, under the direction of the inspectors of the state-prison, at Auburn, shall have power to purchase, with any monies appropriated by the legislature, a good and substantial fire-engine, for the use of the prison, and the necessary tools and implements for extinguishing fires, and to have the same constantly kept in good order, and fit for immediate use.

Fire engine to
be procured.

IX. *And be it further enacted*, That notwithstanding any thing ^{Agents duty as to supplies.} contained in the eighteenth section of the act hereby amended, passed twentieth of April, 1818, it shall be the duty of the agent, under the direction of the inspectors of the prison, at Auburn, from and after the first day of June next, after the passing of this act, to procure the supplies for the said prison in the manner prescribed in and by the first section of the act entitled, "an act to amend an act entitled, 'an act concerning the state-prison'," passed April 15th, 1817, and that the provisions of the said section be and the same are hereby declared to be applicable to the said prison, at Auburn, in every respect.

X. *And be it further enacted*, That there shall be formed and organized, in the village of Auburn, a company for the safety of ^{A company to be formed and armed.} the prison, at Auburn, in like manner as in and by the seventh section of the act entitled, "an act to amend an act entitled, 'an act concerning the state-prison,'" passed April 15th, 1817, is provided to be armed and equipped from the state arsenal at Onondaga, and to enjoy the like privileges and exemptions.

XI. *And be it further enacted*, That it shall be lawful for the ^{Companies to be drilled, &c.} commanding officer of the respective companies so raised, or to be raised, at New-York and Auburn, to order out the said companies for drill and exercise, not oftener than three times in any one year; and that if the officers of such companies shall neglect their duties, upon being reported to the commander in chief, by the inspectors, they shall be dismissed; and that if any of the non-commissioned officers or privates shall neglect or refuse to perform their duty, the commanding officer of such company shall dismiss and discharge them, and enrol others in their stead.

XII. *And be it further enacted*, That the treasurer of this ^{100,000 doll. appropriated.} state shall, on the warrant of the comptroller, pay to the agent of the state-prison, at Auburn, a sum or sums not exceeding one hundred thousand dollars, to be expended upon the said building, and for the general support of that prison, according to law: *Provided*, ^{Proviso.} That the drafts of such agent shall be countersigned by the inspectors of such prison, or a majority of them, and shall not at any time exceed the sum of ten thousand dollars over and above the amounts actually paid out by the said agent.

XIII. *And be it further enacted*, That the treasurer of this ^{Certain monies to be paid the agent.} state shall, on the warrant of the comptroller, pay to the agent of the state-prison, at New-York, the amount of any balance which may be due to the said agent, according to the accounts of the said prison, to the thirty-first day of December, one thousand eight hundred and eighteen, as audited by the comptroller, and for the liquidation of any debts due by the prison for money borrowed agreeably to the act of April 8th, 1811, entitled, "an act to appropriate a certain sum of money for the support of the state-prison, and for other purposes;" and also the further sum of ten thousand dollars for the support of that institution for the present year.

XIV. *And be it further enacted*, That it shall and may be lawful for the said agent, at Auburn, to purchase, for and in the name ^{Cemetery to be provided.} of the people of this state, under and by the advice and direction

of the inspectors of the said prison, a suitable piece or lot of land for a cemetery or burying ground for such convicts as may hereafter die in the said prison.

Agents to report.

XV. *And be it further enacted*, That it shall be the duty of the agents of the state-prisons, in the city of New-York and the village of Auburn, annually, on or before the first Tuesday of February, in each year, to make a report to the secretary of state of the names of convicts pardoned or discharged, the preceding year, from the said prisons respectively, the crimes for which they were convicted, the terms of time for which they were severally committed, the counties in which they were tried, the ages and descriptions of their persons, and in cases of pardons, the time unexpired of the time for which such convicts were respectively sentenced, when such pardons were granted, and the conditions, if any, upon which they were granted: *And further*, It shall be the duty of the secretary of state, annually, on or before the first Tuesday of May, in each year, to transmit a copy of such report to each of the clerks of the courts of common pleas of the several counties in this state, to be deposited in their respective offices.

Duty of the secretary of state.

CHAP. LXXXIV.

AN ACT for the relief of the Trustees of School District number seven, in the town of Lima, in the county of Ontario.

Passed April 2, 1819.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the administrator and administratrix of the estate of Joseph M. Gilbert, deceased, to sell and convey to the trustees of school district number seven, in the town of Lima, in the county of Ontario, and their successors in office, one sixteenth part of an acre of land, whereon the school-house in said district now stands; and on executing such conveyance, the said trustees, and their successors in office, shall and may hold the said land free and discharged from all claim of the heirs of said Joseph M. Gilbert, during the time that a building shall continue to be kept thereon for the use and benefit of a school in said district.

CHAP. LXXXV.

AN ACT relative to the Gospel and School lot in Clinton township, now the town of Bainbridge, in the county of Chenango.

Passed April 2, 1819.

Preamble. WHEREAS a certain lot of land, being lot number fifty, in the said Clinton township, now the town of Bainbridge, in the county of Chenango, was, by the surveyor-general, marked gospel and school, containing six hundred and forty acres, agreeable to an act

in that case made and provided: *And whereas* a religious society, in said town, having been incorporated according to law, by the name and style of "The Congregational Society of Celicia," have executed to sundry persons durable leases of said lot, with a stipulated rent, to be paid annually, in neat stock or grain, to be disposed of, the avails of which to be appropriated equally to the support of the gospel and schools: *And whereas* doubts have arisen as to the validity of said leases; and it being found inconvenient and unproductive in receiving and disposing of the rents in the manner stipulated in said leases, in consequence of which the said lessees, and the said congregational society of Celicia, together with the inhabitants of the said town of Bainbridge, in a special town meeting, called for that purpose, did then and there unite in petitioning the legislature to pass a law authorising the leasing of said lot upon the terms aforesaid, only making the rent payable in money: Therefore,

Further proposed.

I. *Be it enacted by the people of the State of New-York,* *Certain leases to be executed.* *represented in Senate and Assembly,* That the school commissioners of the town of Bainbridge, or their successors in office, be and they are hereby authorised to execute to the present lessees, their heirs or assigns, leases of such parts of lot number fifty, originally marked gospel and school, as was heretofore leased to them by the said congregational society of Celicia, upon the same terms as to duration and rent as was or is contained and expressed in said leases: *Provided* the said lessees, or their heirs or assigns, shall pay, or cause to be paid, to the school commissioners of the said town of Bainbridge, for the time being, in money, the full amount of all the rent due at the time of executing new leases as aforesaid: *Further provision.* *And provided further,* The said rents, which are or shall be due, shall be paid on or before the first day of July next; and the rents in said new leases, so to be given, shall be made payable in money.

II. *And be it further enacted,* That the annual rents shall hereafter be paid to the said commissioners of common schools on the first Monday in June, yearly; and in every year to be by them applied, the one half for the support of common schools, and the other half for the support of the regular preaching of the gospel in said town of Bainbridge, or as a majority of the inhabitants of said town shall, in town meeting, direct: And the said school commissioners shall make a report, yearly, of the amount of monies recovered for rents as aforesaid, and the manner in which he or they have applied the same, to the inhabitants of said town, at their annual town meeting; and in case the said commissioners, or any of them, shall, at any time, be negligent in enforcing payment of the said rents, or shall not properly apply the same, or shall not so account as aforesaid, he or they, as the case may require, shall be liable for the amount not collected, not applied, or not accounted for, as aforesaid; to be recovered, in any court of competent jurisdiction, in the name of the supervisor of the said town, in an action of debt, or so much money had and received. *Annual rents to whom payable.*

CHAP. LXXXVI.

AN ACT to incorporate the *Fulton Fire Insurance Company, in the city of New-York.*

Passed April 2, 1819.

Preamble.

WHEREAS Stephen Allen, David Cargill, Thomas R. Smith, Jacob Drake, and others, associated as a company under the name and style of the Fulton Fire Insurance Company, in the city of New-York, have, by their petition, presented to the legislature, prayed for an act of incorporation for the purpose of insuring against any loss or damage by fire: Therefore,

Corporation created.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly,* That all such persons as

Corporate style.

now are or hereafter shall be stockholders of the said company, shall be and they are hereby created a body corporate and politic, in fact and in name, by the name of the Fulton Fire Insurance Company, in the city of New-York; and by the said name they

General powers.

and their successors shall and may have continual succession, and shall be in law capable of suing and being sued, pleading and being impleaded, defending and being defended, answering and being answered unto, in all courts and judicatures whatsoever and where-soever, in all manner of actions, suits, complaints, matters and causes whatsoever; and also of contracting and being contracted with relative to the funds of the said corporation and the business and purposes for which the said corporation is hereby created as herein after declared; and they and their successors may have a common seal, and may change and alter the same at their pleasure.

Special powers.

II. *And be it further enacted,* That the corporation hereby created is so created for the purpose, and shall have power and authority to make contracts of insurance with any person or persons, body politic or corporate, against losses by fire of any houses or buildings whatsoever, and of any goods, chattels or personal estate whatsoever, for such term or terms of time, and for such premium or consideration, and under such modifications or restrictions, as may be agreed on between the said corporation and the person or persons agreeing with them for such insurance.

Capital stock.

III. *And be it further enacted,* That the capital stock of the said corporation shall be five hundred thousand dollars, which shall be divided into shares of fifty dollars each; but it shall nevertheless be lawful for the said corporation, when and so soon as two hundred and fifty thousand dollars of the said capital stock shall have been subscribed and paid for, or satisfactorily secured to be paid, to commence their said business, and with that capital conduct and carry it on, until they shall find it expedient to extend their capital, which they are authorised to do, from time to time, to the amount herein before mentioned.

Real estate.

IV. *And be it further enacted,* That it shall and may be lawful for the said corporation to purchase and hold such and so much real estate as shall be necessary for their convenient accommodation in the transaction of their business, and also to take and hold

any real estate, or securities, bona fide mortgaged or pledged to the said corporation, either to secure the payment of the shares of the capital stock thereof, or to secure the payment of any debt which may be contracted with the said corporation; and also to proceed on the said mortgages, or other securities, for the recovery of the monies thereby secured, either at law, or in equity, or otherwise, in the same manner as any other mortgagee is or shall be authorised to do; and also to purchase on sales made by virtue of any judgment at law, or any order or decree of a court of equity, or any other legal proceedings, or otherwise, to receive and take any real estate in payment, or towards the satisfaction of any debt previously contracted and due to the said corporation, and to hold the same until they can conveniently and advantageously sell and convert the same into money, or other personal property: *Provided* ^{Proviso.} *always*, That it shall not be lawful for the said corporation to deal or use or employ any part of the stock, funds or monies thereof, in buying or selling any goods, wares or merchandize, in the way of traffic, or in any banking operations, or in the purchase or sale of any stock or funded debt created, or to be created, under any law of the United States, or of any particular state; but it shall nevertheless be lawful for the said corporation to purchase and hold any such stock or funded debt for the purpose of investing therein any part of their capital stock, funds or monies, and also to sell and transfer the same, and again to renew such investments when and as often as the exigencies, or a due regard to the interests of the said corporation, shall require; and also to make loans of the capital stocks, funds or monies on bonds and mortgages, and the same to call in and re-loan as occasion may render expedient.

V. *and be it further enacted*, That the stock, property, affairs ^{Directors.} and concerns of the said corporation shall be managed and conducted by sixteen directors, who may respectively hold their offices for one year, and until others may be chosen, and no longer; which directors shall, at all times, during their continuance in office, be stockholders in the said company, in their own right, to the amount of at least twenty shares, and shall be citizens of the United States; and the said directors shall hereafter be elected on the last Monday of January, in each and every year, at such hour of the day, and at such place in the city of New-York, as the board of directors, for the time being, shall appoint, of which election public notice shall be given in two of the public newspapers printed in the city of New-York, at least ten days immediately preceding such election; and such election shall be holden under the inspection of three stockholders, not being directors, to be appointed, previously to every election, by the board of directors, and such election shall be made by ballot, and by a plurality of the votes of the stockholders then present, or their proxies, allowing one vote for every share of the said stock; but no share shall entitle the holder to vote unless the same shall have been held by him at least sixty days next immediately preceding such election; and the first ^{First directors.} directors shall be Anthony L. Underhill, John Morss, Stephen Allen, David Cargill, William H. Ireland, Jacob Drake, Alexander L. Stewart, Peter Stagg, Ferdinand Suydam, Thomas R. Smith, Thomas T. Woodruff, James Palmer, Stephen P. Brittan, Peter

Lorillard, George B. Thorp and Cornelius Dubois, who shall respectively hold their offices until the last Monday of January, in the year of our Lord one thousand eight hundred and twenty, and until other directors shall be elected.

President.

VI. *And be it further enacted,* That the directors herein before named, shall, as soon as may be after the passing of this act, and the directors to be chosen at such annual elections, shall, as soon as may be thereafter, proceed to choose out of their body, one person to be president, who shall preside until the next annual election thereafter; and in case of the death, resignation or inability to serve, of the president or any director of the said corporation, such vacancy or vacancies may be filled for the remainder of the year, by the board of directors; and in case of the absence of the president, the board of directors shall have power to appoint a president pro tempore, who shall have and exercise such powers and functions, as the by-laws of the said corporation may provide.

Elections.

VII. *And be it further enacted,* That if it should at any time happen that an election of directors should not be made on any day when, pursuant to this act, it ought to have been made, the said corporation shall not, for that cause, be deemed to be dissolved; but it shall be lawful, on any other day, to hold and make an election of directors in such manner as shall have been regulated by the by-laws and ordinances of the said corporation.

Stock declared to be assignable.

VIII. *And be it further enacted,* That the stock of the said corporation shall be assignable and transferable, according to such rules, and subject to such restrictions and regulations, as the board of directors shall, from time to time, make and establish, and shall be considered personal property; but in case the said corporation shall have any claim or demand against any stockholder thereof, whether such claim or demand is due or to become due at any future period, such stockholders shall not be entitled to make any transfer, sale, or conveyance of his stock in the said corporation, or to receive a dividend thereon, until such claim or demand shall be paid, or secured to be paid, to the satisfaction of the board of directors; and unless such claim or demand shall be paid, or secured to be paid, in the manner aforesaid, within three months after the same shall have become due, then such stock of any such debtor, or so much thereof, as shall be sufficient for that purpose, may be sold by the said corporation, and the proceeds thereof applied towards the satisfaction of such claim or demand.

Quorum.

IX. *And be it further enacted,* That the major part of the directors of the said corporation, shall constitute a board, and be competent to the transaction of all the business of the said corporation, and all questions before them shall be decided by a majority of voices; and they shall have powers to appoint committees of directors, and one or more assistants, and also to appoint a secretary, and such other officers, clerks and servants, as they shall deem expedient and proper, for the well conducting and transacting their business; and they shall also have powers at such times

Secretary and other officers.

Dividends.

as to them shall seem meet, to make and declare dividends of such part of the profits resulting from the business of the said corporation, as they shall deem expedient; and shall also have power to

By laws.

make and prescribe such by-laws, rules and regulations, as to

them shall appear needful and proper, respecting the management and disposition of the stock, property, estate and effects of the said corporation ; the compensation of wages, and the duties, powers and conduct of the officers and servants thereof ; the election and meeting of directors ; the transfer of shares ; the management and conducting of the business of the said corporation, and all matters appertaining thereto ; and such by-laws, rules and regulations, at their discretion, to repeal, alter or modify : *Provided*, Proviso. That such by-laws, rules or regulations shall not be repugnant to the constitution and laws of this state, or of the United States.

X. *And be it further enacted*, That the policies of insurance, Policies of insurance. and other contracts, founded thereon, hereafter to be made or entered into by the said corporation, though not under seal, if subscribed by the president, or in case of his absence, resignation, or inability to act, by such officer or officers, or person or persons, as may be for that purpose authorised by the act of incorporation, or the by-laws of the said corporation, and countersigned by the secretary, shall be binding and obligatory upon the said corporation, and shall have the like force and effect, to all intents and purposes, as if the seal of the said corporation had been or was affixed thereto, and that an action upon the case may be maintained thereon against the said corporation : *And further*, That all such policies Provis. or contracts may be so signed and attested, and all the other business of the said corporation may be conducted and carried on by committees or otherwise, without the presence of a board of directors, and the same shall be binding and obligatory on the said corporation : *Provided*, The same be done under or in conformity to the by-laws and ordinances of the said corporation.

XI. *And be it further enacted*, That this act shall continue Duration of act. for the term of thirty years, or until the legislature hereafter, by an act for that purpose, shall limit the duration of the body politic and corporate hereby created ; and that the said company shall keep their office for the transaction of business, in the city Office where to be kept. and county of New-York, and not elsewhere.

XII. *And be it further enacted*, That in case any insured, named in any policy or contract of insurance, made by the said corporation hereby created, shall sell and convey, or assign the subject insured, during the period of time for which it is insured, it shall be lawful for such insured to assign and deliver to the purchaser such policy or contract of insurance ; and such assignee shall have all the benefit of such policy or contract of insurance, and may bring and maintain a suit thereon in his own name : *Provided*, That before any loss happens he shall obtain the con- Proviso. sent of the insurer to such assignment, and have the same endorsed or annexed to the said policy or insurance.

XIII. *And be it further enacted*, That this act shall be deem- Public act. ed and taken to be a public act, and that the same shall be construed benignly and favourably for every beneficial purpose.

CHAP. LXXXVII.

AN ACT *authorising the holding a Circuit Court and Court of Oyer and Terminer and Gaol Delivery, in and for the county of Allegany, and altering the times of holding the same Courts in the counties of Broome, Genesee and Chenango, for the present year.*

Passed April 2, 1819.

WHEREAS it has been represented to the legislature, that it is indispensably necessary that a circuit court and court of oyer and terminer and gaol delivery, should be held during the present year, in the county of Allegany : Therefore,

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That a circuit court and court of oyer and terminer and gaol delivery, shall be holden in and for the county of Allegany, on Monday the fourteenth day of June next, at the court house of said county.*

II. *And be it further enacted, That the circuit court and court of oyer and terminer and gaol delivery, appointed by the supreme court, to be held in and for the county of Broome, on Wednesday, the sixteenth day of June next, shall be held on Friday, the eighteenth day of June next ; and the circuit court and court of oyer and terminer and gaol delivery, appointed in like manner, to be held in and for the county of Chenango, on Tuesday, the twenty-second day of June next, shall be held on Wednesday, the twenty-third day of June next.*

III. *And be it further enacted, That instead of the twenty-fourth day of June next, as now appointed by the supreme court, the next circuit court in and for the county of Genesee, shall be holden on the first day of July next.*

CHAP. LXXXVIII.

AN ACT *further to amend the act entitled, " An act to amend an act relative to District Attornies," passed April 21, 1818.*

Passed April 2, 1819.

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That nothing contained in the act entitled, " An act to amend an act entitled an act relative to district attornies," passed 21st April, 1818, shall be construed to affect the office of clerk of the courts of oyer and terminer and general gaol delivery, and general sessions of the peace, in the city and county of New-York, in regard to the payment of his fees in certain cases, as directed by the tenth section of the act entitled, " An act relative to the court of exchequer," passed 10th April, 1813.*

II. *And be it further enacted, That the court of general sessions of the peace in the city and county of New-York, of which*

the first or presiding judge shall always be one, shall possess the same power and authority to audit the account of the clerk and of the crier of the said courts, and to direct the payment thereof from time to time, out of the fines and forfeitures in the said courts, as were by law vested in the court of exchequer, in respect to the said clerk, previous to the passing of the act first above mentioned ; and also to order and direct that the residue of all such fines and forfeitures be paid to the treasurer of the city and county of New-York, by the district attorney of the said city and county, for the use of the said county, according to the seventh section of the act first above mentioned : *Provided however*, That the said clerk and crier shall make oath that their accounts, as delivered to the said court, to be audited and allowed, are reasonable, and conformable to law ; and that they have not, directly or indirectly been paid, or in any way received payment of the whole or any part of the items or amounts therein contained : *And provided further*, That the said court shall not allow the said accounts to an amount exceeding the monies arising from the above described sources, which, at the time of such allowance, may, under this act, be subject to the order of the said court.

III. *And be it further enacted*, That so much of the act first above mentioned as relates to the duty of the district attorney, for the city and county of New-York, in the collection of fines and forfeited recognizances, as is inconsistent with the provisions of this act, be and the same is hereby repealed.

IV. *And be it further enacted*, That fines and forfeited recognizances shall be collected under the order of the said court of general sessions of the city and county of New-York, by the sheriff of the said city and county, who shall render his account of the collection thereof under oath, to the said court, at every term thereof, and shall pay the amount thereof to the clerk of the said court ; and the said court shall direct the balance which shall remain after the payment of the legal fees of the clerk and crier of the said court, as is herein before directed, to be paid to the district attorney of the said city and county, who shall pay over the same to the treasurer of the said city and county as aforesaid.

CHAP. LXXXIX.

AN ACT to incorporate the *Merchants' Fire Insurance Company*.

Passed April 2, 1819.

WHEREAS Jonathan Lawrence, Gilbert Aspinwall, James Lovett, and others, associated as a company, under the name of ^{Preamble} "The Merchants' Fire Insurance Company ;" for the purposes of insuring against any loss or damage by fire ; of making all kinds of insurance upon life, or lives ; and of lending money on bottomry and respondentia ; have petitioned the legislature to be incorporated : Therefore,

Corporation
created.

Corporate
style.

General pow-
ers.

Proviso.

Further pro-
viso.

Capital stock.

Special pow-
ers.

Further pow-
ers.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the said Jonathan Lawrence, Gilbert Aspinwall, James Lovett, and their associates, and all such persons as shall hereafter become stockholders in said company, shall be and hereby are declared to be a body corporate and politic, in fact and in name, by the name of " Merchants' Fire Insurance Company ;" and by that name they and their successors, shall and may have continual succession ; and shall be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever ; in all manner of actions, suits, complaints, matters and causes whatsoever ; and that they and their successors may have a common seal, and may change and alter the same at their pleasure : Provided, That the legislature may, at any time hereafter, by an act for that purpose, limit the duration of the said body politic and corporate to a period not less than ten years from the passing of such act of limitation : Provided further, That this incorporation shall continue for thirty years, and no longer, unless further extended by any future legislature.*

II. *And be it further enacted, That the capital stock of the said company shall be five hundred thousand dollars, which shall be divided into shares of one hundred dollars each ; and that the whole of the said shares shall be subscribed, and actually paid, or satisfactorily secured to be paid, before the said company shall be allowed to commence business.*

III. *And be it further enacted, That it shall and may be lawful for the said company, to insure all kinds of property against loss or damage by fire ; and also to make all kinds of insurance upon life or lives, or in any manner dependant on life or lives ; and also to lend money on bottomry or respondentia ; and generally to do and perform all necessary matters and things relating to or connected with these objects ; and that they may cause themselves to be insured against maritime risques upon the interest which they may have in any vessels, goods, merchandize, or property, in virtue of any such loans on bottomry or respondentia.*

IV. *And be it further enacted, That it shall and may be lawful for the said company to purchase and hold such, and so much real estate, as shall be necessary for their convenient accommodation in the transaction of their business ; and also to take and hold any real estate or securities, bona fide mortgaged, or pledged to the said company, either to secure the payment of the shares of the capital stock thereof, or to secure the payment of any debt which may be contracted with the said company ; and also to proceed on the said mortgages, or other securities, for the recovery of the monies thereby secured, either at law or in equity, or otherwise, in the same manner as any other mortgagee is or shall be authorised to do : and also to purchase on sales made by virtue of any judgment at law, or any order or decree of a court of equity, or any other legal proceedings, or otherwise to receive and take any real estate in payment, or towards satisfaction of any debt previously contracted, and due to the said company ; and to hold the same until they can conveniently sell and convert the same into*

money or other personal property : *Provided always*, That it shall ^{Previous} not be lawful for the said company to deal, or use, or employ, any part of the stock, funds, or monies thereof, in buying or selling any goods, wares, or merchandize, in the way of traffic, or in any banking operations, or in the purchase or sale of any stock or funded debt created, or to be created, under any law of the United States, or of any particular state ; or to emit any notes, or bills, or securities for the payment of money, except under the seal of the said company : but it shall nevertheless be lawful for the said company, to purchase and hold any such stock or funded debt, for the purpose of investing therein any part of their capital stock, funds, or monies ; and also to sell and transfer the same, and again to renew such investments, when and as often as the exigencies of the said company, or a due regard to its interests, shall require ; and also to make loans of their capital stock, funds, or monies, on bonds or mortgages, and the same to call in and reloan as occasion may render expedient.

V. *And be it further enacted*, That the stock, property, af- ^{Directors} fairs and concerns of the said company, shall be managed and conducted by twenty-five directors ; who may respectively hold their offices for one year, and until others may be chosen, and no longer : which directors shall, at all times, during their continuance in office, be stockholders in the said company, in their own right, to the amount of at least ten shares, and shall be citizens of the United States ; and the said directors shall hereafter be elected on the last Monday of January, in each and every year, at such hour of ^{Elections} the day, and at such place in the city of New-York, as the board of directors, for the time being, shall appoint ; of which election public notice shall be given in at least two of the public newspapers printed in the city of New-York, and continued daily, (Sundays excepted) for the space of ten days, immediately preceding such election ; and every such election shall be held under the inspection of three stockholders in the said company, not being directors, to be appointed previous to such election, by the board of directors ; and such election shall be made by ballot, and by a plurality of the votes of the stockholders then present, or their proxies, allowing one vote for every share of the said stock ; but no share shall entitle the holder to vote, unless the same has been held by him at least thirty days next immediately preceding such election, nor unless such holder is a citizen of the United States ; and the first directors shall be, Jonathan Lawrence, Gilbert Aspin- ^{First} wall, James Lovett, Frederick De Peyster, Samuel Betts, Isaac ^{corp} Lawrence, Jacob P. Girard, Abraham Brinkerhoff, junior, Eli Hart, James Boyd, junior, Tannis Quick, Gardner G. Howland, Thomas Lawrence, Francis H. Nicoll, William Wright, Benjamin Bailey, Ezra Ludlow, Robert L. Reade, Francis Cooper, Henry Kneeland, Robert Cheesebrough, Gamaliel Smith, George W. Talbot, and Jabesh Lovett, and John Conrey, who shall respectively hold their offices until the last Monday of January, in the year of our Lord one thousand eight hundred and twenty, and until other directors are chosen in their stead.

VI. *And be it further enacted*, That the directors herein be- ^{President} fore named, shall, as soon as may be, after the passing of this act,

and the directors to be chosen at such annual elections, shall, as soon as may be thereafter, proceed to choose out of their body one person to be president, who shall preside until the next annual election thereafter; and in case of death, resignation, or inability to serve, of the president or any director of the said company, such vacancy or vacancies may be filled for the remainder of the term by the board of directors; and in case of the absence of the president, the board of directors shall have power to appoint a president pro tempore, who shall have and exercise such powers and functions as the by-laws of the said company may provide.

Election when to be made. VII. *And be it further enacted,* That if it should at any time happen, that an election of directors should not be made on any day when, pursuant to this act, it ought to have been made, the said company shall not, for that cause, be deemed to be dissolved, but it shall be lawful on any other day to hold and make an election of directors, in such manner as shall have been regulated by the by-laws and ordinances of said company.

Stock assignable. VIII. *And be it further enacted,* That the stock of the said company shall be assignable and transferable, according to such rules, and subject to such restrictions and conditions, as the board of directors may, from time to time, establish and make; and that said stock shall be considered personal property.

Quorum. IX. *And be it further enacted,* That the major part of the directors of the said company, shall constitute a board, and be competent to the transaction of all the business of the said company; and all questions before them shall be decided by a majority of voices; and they shall have power to appoint committees of directors, and one or more assistants; and also to appoint a secretary,

Powers. and such other officers, clerks, and servants, as they shall deem expedient and proper for the well conducting and managing of their business; and they shall also have power, at such times as to them shall seem meet, to make and declare dividends of such part of the profits resulting from the business of the said company, as they shall deem expedient; and shall also have power to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said company; the compensation or wages, and the duties, powers and conduct of its officers and servants; the election and meeting of directors; the transfer of shares; the management and conducting of its business, and all matters appertaining thereto; and such by-laws, rules and regulations, at their discretion, to repeal, alter, or modify:

Secretary and officers.

Further powers.

Proviso.

Policies how made.

Provided, That such by-laws, rules, or regulations, shall not be repugnant to the constitution and laws of the United States, or of the state of New-York.

X. *And be it further enacted,* That all policies, or contracts founded thereon, which shall be made or entered into by the said company, may be made either under or without the seal thereof, and shall be subscribed by the president, or president pro tempore, or by such other officer as shall be designated for the purpose by the by-laws of the said company, and attested by the secretary; and being so subscribed and attested, shall be binding and obliga-

tory upon the said company, according to the tenor, intent and meaning of this act, and of such policies or contracts; and all such policies and contracts may be so made, subscribed, attested and executed, and the business of the said company may be otherwise conducted and carried on without the presence of a board of directors, by committees, or otherwise; and the same shall be binding and obligatory on the said company if done under and in conformity to the by-laws of the said company.

XI. *And be it further enacted*, That this act shall be deemed ^{Public act.} and taken to be a public act, and shall be construed in all courts and places benignly and favorably for every beneficial purpose.

CHAP. XC.

AN ACT for the relief of *Simon Hager, Wilhelmus Bouck and John Brown.*

Passed April 2, 1819.

WHEREAS Simon Hager, Wilhelmus Bouck and John Brown, ^{Preamble:} in the year of our Lord one thousand eight hundred and seventeen, became bail for the collector of the taxes of the town of Middleburgh, who has neglected to pay over the said taxes, and absconded, in consequence of which the said bail are become liable to pay the same, which they are wholly unable to pay without a great sacrifice of property: Therefore,

BE it enacted by the people of the State of New-York, re- ^{Comptroller's duty.} *presented in Senate and Assembly*, That the comptroller is hereby authorised and required to take security, on unincumbered real estate, in the county of Schoharie, from the said Simon Hager, Wilhelmus Bouck and John Brown, or either of them, for the sum of fifteen hundred and thirty-eight dollars and twenty-eight cents, for such time, and in such manner, as he is directed to loan monies belonging to the school fund; and the comptroller, on receiving such security, shall credit the same to the treasurer of the county of Schoharie, as so much money received from the said county, and shall give the said bail a certificate to that effect; and the said county treasurer is directed to credit the said bail for the amount so certified by the comptroller.

CHAP. XCI.

AN ACT to amend an act entitled, "*an act for clearing out the channels of Croton river and Muddy brook, in the towns of Southeast and Patterson, in the county of Putnam,*" passed April 1, 1814.

Passed April 2, 1819.

WHEREAS Samuel Towner, and others, were appointed assess- ^{Preamble.} *ors for the purpose of assessing the several owners and occupants of land to the amount of seventeen hundred dollars, for beneficial*

advantages, as is set forth in the first section of the aforesaid act : *And whereas* the commissioners appointed to carry into effect the provisions of said act cannot advantageously employ the whole sum limited to be raised by the said act at one time : Therefore,

Power of the
commission-
ers.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That it shall and may be lawful for the commissioners, appointed by the aforesaid act, to ask, demand, receive and recover of each and every of the persons assessed by said act, any portion or part of his or their assessments, as in the opinion of said commissioners is best calculated to advance the objects contemplated by this act.

Additional
commissioner

II. *And be it further enacted,* That Isaac Crosby, of the town of Southeast, and Ebenezer G. Palmer, of the town of Patterson, shall be and are hereby appointed additional commissioners, to act in conjunction with the commissioners appointed by the aforesaid act, with like compensation for their service, to carry into effect this act, and the provisions of the said act, passed the first day of April, one thousand eight hundred and fourteen.

CHAP. XCII.

AN ACT for incorporating the Plattekill Turnpike Company.

Passed April 2, 1810.

Corporation
created.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That Abijah Griffin, William Miller, William Edwards, Jeremiah Russel and Asa Bigelow, and all such other persons as shall associate for the purpose of making a turnpike road, from the most convenient point or place on the south side of the Plattekill creek, at or near the foot of the Plattekill cove, to the most convenient point or place, at or near the farm of Aaron and Alvin Bushnell, in the town of Hunter, be and the same are hereby created a body corporate and politic, in fact and in name, by the name of "The Plattekill Turnpike Company ;" and by that name shall have continual succession, and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever ; and by the same name and style shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of the said corporation : *Provided,* That such estate, as well real as personal, so to be purchased and held, shall be necessary to fulfil the end and intent of the said corporation.

Corporate
style.

Proviso.

Capital stock

II. *And be it further enacted,* That the stock of the said company shall be four hundred shares, of twenty-five dollars each, and that William Miller, William Edwards, Asa Bigelow and Jeremiah Russell, be and they are hereby appointed commissioners to receive subscriptions for the said stock, in the manner directed in and by the act entitled, "an act relative to turnpike companies," passed March 13, 1807.

III. *And be it further enacted*, That it shall be lawful for the company hereby incorporated to exact and receive, at a gate, to be erected on the said road, the following toll, that is to say : for every score of hogs or sheep, six cents ; for every score of cattle, horses or mules, twenty cents ; for every chair, sulkey or chaise, drawn by one horse, twelve and an half cents ; for every horse rode, four cents ; for every horse led or driven, three cents ; for every chariot, coach, coachee or phaeton, twenty-five cents ; for every cart or waggon, drawn by one horse, six cents ; for every stage waggon, or other four wheel carriage, drawn by two horses, mules or oxen, twelve and an half cents, and four cents for every additional horse, mule or ox ; for every sleigh or sled, six cents, if drawn by two horses, mules or oxen, and two cents for every additional horse, mule or ox. Toll.

IV. *And be it further enacted*, That it shall and may be lawful for the company hereby incorporated to make the road aforesaid, but sixteen feet wide, so far as they are compelled to work it up the mountain, adjoining the creek aforesaid, and the said road shall be deemed sufficient by the inspectors : *Provided nevertheless*, That no other part of the road shall be made of less width than is prescribed in the act aforesaid, referred to in the second section. Width of road
Provided.

V. *And be it further enacted*, That it shall and may be lawful, at any time hereafter, during the continuance of the grant made by this act, for the president, directors and company of the Plattekill turnpike to extend the same from the termination of their grant, at or near the farm of Aaron and Alvin Bushnell aforesaid, to the most convenient point or place west of the east kill : *Provided it does not interfere with the rights of any company heretofore granted* : And the said president and directors are hereby authorised to receive subscriptions to the amount of twelve hundred dollars per mile, and apply the same to complete the said additional road, in the same manner, and with the same privileges, as if they had obtained a special grant for the purpose : And they are hereby further authorised, whenever the said additional road is completed and inspected, to exact and demand a toll, at a gate to be established for the purpose, which shall bear the same proportion to the rates herein before mentioned as the comparative length of the addition is to the first granted road. Route extended.
Provided.
Toll.

VI. *And be it further enacted*, That the company hereby incorporated shall have and enjoy all the rights, privileges and immunities, which are given and granted in and by the act aforesaid, and also by the act entitled, "an act concerning turnpike roads," passed April 10th, 1813, and shall be subject to all the conditions, provisions, restrictions, penalties and regulations contained in the same. General provisions.

CHAP. XCIII.

AN ACT to divide the town of Murray, in the county of Genesee.

Passed April 2, 1819.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly.* That from and after the day preceding the first Tuesday in April next, all that part of the town of Murray, in the county of Genesee, beginning at the south-east corner of said town, thence running northwardly, on the dividing line between the towns of Parma and Murray, to lake Ontario; from thence, along the shore of said lake, to the west line of the Triangular tract; from thence, due south, on said line, to the south line of the town of Murray; from thence, due east, on the dividing line between the towns of Sweden and Murray, to the place of beginning, be and is hereby erected into a separate town by the name of Clarkson; and the first town meeting shall be held at the house of Abel Baldwin, in said town.

II. *And be it further enacted,* That from and after the day preceding the first Tuesday in April next, all the remaining part of the said town of Murray shall be and remain a separate town by the name of Murray; and the first town meeting shall be held at the house of Jonathan Root, in said town.

III. *And be it further enacted,* That as soon as may be, after the first Tuesday of April next, the supervisors, and overseers of the poor, of the towns of Clarkson and Murray aforesaid, shall, by notice to be given by the supervisors of the towns of Clarkson and Murray aforesaid, for that purpose, meet together and apportion the poor maintained by said town previous to the division, and also to divide all money which is or may be in the hands of the overseers of the poor, in an equitable manner; and if the supervisors, and overseers of the poor, cannot agree upon such division, then the supervisors of the county, at their next annual meeting, shall apportion the poor and money belonging to the said town of Murray, between the said towns, and that each town shall thereafter maintain its own poor.

CHAP. XCIV,

AN ACT to incorporate the Clove Turnpike Road Company.

Passed April 2, 1819.

*Corporation
created.*

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly.* That Nathaniel Dubois, Jacob Carpenter, Jonathan Hedges and Jonathan Hashbrouck, and all such other persons as shall associate for the purpose of making a good and sufficient turnpike road, to begin at the point where the Snakehill turnpike road intersects the New-Windsor and Bloominggrove turnpike road, and to run thence, on the most convenient

route, until it shall intersect the New-Windsor and Cornwall turnpike road, at the foot of the mountain, near the house of Samuel Seaman, and their successors, be and they are hereby created a body corporate and politic, by the name of "the president, directors and company of the Clove turnpike road;" and they are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name; and by that name they and their successors shall and may have continual succession, and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts whatsoever, in all manner of actions and complaints, matters and causes; and by the same name and style shall be in law capable of purchasing, holding and conveying any estate, real and personal, for the use of said corporation: *Provided*, That such estate, as well real as personal, so to be purchased and held, shall be necessary to fulfil the end and intent of said corporation, and no other purpose whatsoever.

Corporate
style.

Proviso.

II. *And be it further enacted*, That the stock of the said company, hereby incorporated, shall consist of one hundred and fifty shares, of twenty dollars each; and that Nathaniel Dubois, Roger Parmele and George Galloway be and they are hereby appointed commissioners to receive subscriptions for the stock, in the manner directed in and by the act entitled, "an act relative to turnpike companies," passed March 13, 1807.

Capital stock

III. *And be it further enacted*, That the said president, directors and company, hereby incorporated, shall be entitled to exact and receive, at the gate or turnpike, to be erected on said road, the following sums of money, to wit: for every chariot, coach, coachee or phaeton, drawn by two horses, twelve and an half cents; for every stage waggon, or other four wheel carriage, drawn by two horses, mules or oxen, six cents, and for every additional horse, mule or ox, three cents; for every cart, drawn by two horses, mules or oxen, six cents, and for every additional horse, mule or ox, three cents; for every sulky, chair or chaise, six cents; for every cart or waggon, drawn by one horse, three cents; for every sleigh or sled, drawn by two horses, mules or oxen, three cents, and in like proportion if drawn by a greater or less number of horses, mules or oxen; for every score of sheep or hogs, four cents; for every score of cattle, horses or mules, ten cents, and in that proportion for a greater or less number of hogs, sheep, cattle, horses or mules; for every horse and rider, four cents; and for every horse led or driven, three cents.

Toll.

IV. *And be it further enacted*, That the chord of the arch of said road shall be of the width of twenty-four feet only, independent of the ditch.

Width of road

V. *And be it further enacted*, That the number of directors for managing the concerns of the said company, shall be five, three of whom shall be a quorum, and capable of managing the concerns of the said company; and that the said company shall have and enjoy all the rights and privileges, powers and immunities, which are given and granted by the aforesaid act entitled, "an act relative to turnpike companies."

Directors.

CHAP. XCV.

AN ACT to improve a State Road from the village of Angelica, in the county of Allegany, to the bridge across the Genesee river, near Van Campen's creek, and thence to the village of Hamilton, on the Allegany river.

Passed April 2, 1810.

Preamble. WHEREAS eight thousand dollars have been granted by this state, and appropriated to the purpose of making a state road from the village of Angelica to the bridge across the Genesee river, near Van Campen's creek, in the county of Allegany, and thence to the village of Hamilton, in the county of Cattaraugus: *And whereas*, notwithstanding the above appropriation, and the annual statute labor bestowed upon the said road by the inhabitants of the different towns through which it passes, the said road has been rendered almost impassable by the great extent of foreign travelling and transportation: Therefore,

Trustees appointed. I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That Joseph Ellicott, Robert Troup, Charles Carroll, Philip Church, Dugald Cameron, Moses Van Campen, Seymour Bouton, Silvanus Russel and William Higgins, shall be and hereby are appointed trustees, five of whom

Their duty. shall be a quorum, to superintend the repair and improvement of the said road; and the said trustees are hereby empowered, from time to time, in the manner and upon the security hereinafter specified, to borrow such sum or sums of money as may be necessary to be expended in the further repair and improvement of said road; which said sum or sums of money may be borrowed, as aforesaid, before any part of the said road shall be repaired or improved, in the manner hereinafter directed; and that the said trustees shall commence and complete such section of the said road, of ten miles in length, at the least, as the persons who may or shall provide the funds for completing the same, shall designate and prefer: *Provided*, That the state shall, in no event, be liable or responsible for the payment of the monies which may be so as aforesaid borrowed.

Gates & turn-pikes when to be erected. II. *And be it further enacted*, That as soon as the said trustees shall have completed, in the manner hereinafter directed, the road beginning at the village of Angelica as aforesaid, or any ten miles thereof as aforesaid, it shall be lawful for the said trustees to give notice thereof to the person administering the government of this state for the time being, who shall thereupon forthwith nominate and appoint three discreet freeholders, not interested in the said road, to view the same, and to report to him, in writing, whether such road is completed according to the true intent and meaning of this act; and if the report shall be in the affirmative, then it shall be the duty of the person administering the government of this state, and he is hereby required, by license, under his hand and the privy seal of this state, to permit the said trustees to make and erect so many gates and turnpikes, across and upon said road, as will be necessary and sufficient to collect the duties and tolls

hereinafter granted, from all persons travelling or using the same, so that no more than one full toll gate, or two half toll gates, shall be erected upon and across the said road for every ten miles thereof. Restriction,

III. *And be it further enacted*, That the said trustees may and hereby are empowered, from time to time, and before or after the said road shall have been improved as aforesaid, by any writing or writings, under their hands and seals, to assign over or mortgage the said tolls, to be received at the first gate or turnpike from the village of Angelica aforesaid, in and by separate securities for each sum of money ; and for the tolls to be received at the second gate or turnpike from the village of Angelica aforesaid, in and by other separate securities for each sum of money ; and for the tolls to be received at the third gate or turnpike from the village of Angelica aforesaid, in and by separate securities for each sum of money ; and the said trustees shall have the like power and authority for any other gate that shall be erected upon the said road, (the costs and charges of such assignments or mortgages to be borne and paid out of such tolls so to be assigned or mortgaged respectively) for any time or times during the continuance of this act ; which said tolls, so to be respectively assigned or mortgaged as aforesaid, shall be separate securities for the annual payment of the interest of such sum or sums of money, so to be respectively borrowed, and for the improvement and repair of the said road ; Further power of trustees to mortgage, &c. and if there shall be any surplus remaining in the hands of the said trustees, for the payment of the principal of the said sum or sums of money aforesaid ; but that no money shall be borrowed by the said trustees, on the credit of the said tolls hereby granted, or any of them, unless notice, in writing, be given for that purpose, by affixing the same upon the door of the court-house, in the village of Angelica, and by publishing the same in a paper printed in one of the counties of Allegany and Cattaraugus, or if no paper is printed in either of the said counties, then in the paper printed at Moscow, in the county of Genesee, at least two weeks before the borrowing of such money respectively ; and that the said mortgages and assignments may be, from time to time, assigned over by such person or persons, to whom the same shall be respectively made, his, her, and their, executors, administrators and assigns, to any other person or persons whomsoever ; and that copies of all the said assignments shall be entered at length in a book to be kept for that purpose by the clerk of the said trustees, which book or books shall and may be perused at all reasonable times without fee or reward. Surplus. Notice required.

IV. *And be it further enacted*, That the said trustees, or a majority of them, from time to time, by writing, under their hands and seals, may appoint a clerk, toll-gatherers, and such other officers as shall be necessary for putting in execution this act ; and shall take such securities, to the people of the state of New-York, for the faithful execution of their respective offices, as the said trustees, or a majority of them, shall approve of ; and also that the said trustees, or a majority of them, shall and may, from time to time, remove such clerk, toll-gatherers and other officers, or any of them, as they shall deem proper, and appoint new ones in case Certain officers to be appointed.

of death or such removals ; and the said trustees, or a majority of them, shall and may, out of the said tolls, or out of the money to be borrowed on the credit thereof, make such allowances to the said clerk, toll-gatherers, or other officers, as to the said trustees, or a majority of them, shall seem reasonable.

Provision in case a trustee dies, &c.

V. *And be it further enacted*, That as often as any trustee shall die, or refuse to act, it shall and may be lawful to and for the surviving trustees, or a majority of them, to elect and appoint one other fit person in the place of such trustee, so dying or refusing to act ; and such person, so elected and appointed, shall be joined with such surviving trustees in the execution of this act, to all intents and purposes, in as ample a manner as the trustees hereby appointed are empowered to act ; and notice of the times and places of meeting for the election of such new trustees shall be, from time to time, given by the clerk to the said trustees, by writing, to be affixed on the door of the court-house, in the village of Angelica, and also on the said gates or turnpikes, at least fourteen days before such meeting, if any of the the said gates shall have been previously erected.

Route of road may be altered, &c.

VI. *And be it further enacted*, That it shall and may be lawful to and for the said trustees, or a majority of them, to improve the course of the said road, and to alter the same, wherever they may deem expedient ; which alteration and improvement shall also be recorded in the book of the said trustees, to be kept by their said clerk, and notice thereof shall be affixed on the door of the house where the last town meeting shall have been held, in the town or towns where the said alteration shall take place, at least thirty

Proviso.

days before such alteration : *Provided however*, That no such alteration shall be made as aforesaid, through any inclosed or improved lands, until the owner or owners thereof shall be paid such damage as such owner or owners may sustain by reason thereof, to be determined and assessed in the same way as is directed by the sixteenth section of the act entitled, "an act relative to highways : " *And*

Further proviso.

provided further, That any person aggrieved by such decision may, within three months thereafter, appeal from the same to any three of the judges of the court of common pleas of the county of Allegany or Cattaraugus, who shall, in a summary manner, hear and examine the proofs and allegations of the parties, and do what is right and just therein.

First meeting of trustees.

VII. *And be it further enacted*, That the first meeting of the said trustees shall be on the eleventh day of May next, at the house of Ebenezer Hyde, in the town of Angelica ; and that they, or a majority of them, may, from time to time thereafter, meet at such place as a majority of them shall determine.

Road how to be improved, &c.

VIII. *And be it further enacted*, That it shall be the duty of the said trustees, previous to the erection of any gate or turnpike, so to repair and improve the said road, that all standing timber shall be cut down to the width of not less than six rods ; of which six rods, at least twenty-two feet, exclusive of the ditches, to be made on each side thereof, shall be cleared of all stumps, roots, sticks, stones, or any obstruction whatever, to the depth of at least nine inches ; and the soil of said road shall be well compacted together, so as to secure a firm and even surface, rising in the middle by a gradual arch.

IX. *And be it further enacted*, That as soon as permission so as aforesaid shall be granted, to erect a gate or gates, or turnpike upon and across the said road, it shall and may be lawful for the toll gatherers, to be appointed as aforesaid, to collect and receive of and from all and every person using the said road, at each and every of the said gates, for any number of miles not exceeding ten, the following sums of money, and so in proportion for any greater or less distance, to wit : For every waggon drawn by two horses, mules or oxen, twelve and an half cents, and three cents for every additional horse, mule or ox attached to such waggon ; for every cart drawn by two horses, mules or oxen, twelve and an half cents, and for every additional horse, mule or ox attached to such cart, three cents ; for every horse and rider, four cents ; for every horse led or driven, three cents ; for every sled or sleigh drawn by two horses, mules or oxen, six cents, and so in proportion if drawn by a greater or less number of horses, mules or oxen ; for every chair, chaise sulkey, or pleasure carriage, drawn by one horse, twelve and an half cents ; for every coach, coacher, chariot, or phaeton, or other four wheel pleasure carriage, twenty-five cents ; for every score of sheep, hogs or calves, four cents, and so in proportion for a greater or less number : for every score of horses or cattle, twenty cents, and so in proportion for a greater or less number ; and it shall and may be lawful for any toll gatherer, to stop and detain any person riding, leading or driving any horses, cattle, sheep, or hogs, sulkey, chair, phaeton, chaise, waggon, sleigh, sled, or other carriage of burthen or pleasure, from passing through any of the said turnpike gates, until they shall have respectively paid the tolls aforesaid : *Provided*, That no toll shall be exacted or demanded from any person or persons who are exempt from the payment of toll by the seventh section of the act entitled, " An act relative to turnpike companies : " *And provided also*, That not more than one half of the above toll shall be demanded or received from any waggon, or other carriage, passing upon the said road, the tire or track of the wheel whereof is six inches wide ; nor more than one fourth the above toll from those of nine inches wide ; and that the said trustees shall cause to be affixed and kept up, at or over each gate, a printed list of the rates of toll which may be lawfully demanded

Toll, when to be collected.

Toll.

Proviso.

Further proviso.

X. *And be it further enacted*, That whenever complaint in writing shall be made to any one of the said judges of the court of common pleas of the county of Allegany or Cattaraugus, that the said road, or any part thereof, is out of repair, it shall be the duty of such judge, to whom such complaint is made, to repair to such part of said road, and to view the same ; and if the same shall, in the opinion of such judge, be out of repair, then the said judge shall give notice in writing of such defect to the toll gatherer, or person attending the gate, nearest to the place so out of repair ; and shall also, in his discretion, in said notice, order such gate to be thrown open ; and the gate so ordered to be thrown open, shall immediately after the service of such notice aforesaid, be opened, and shall remain open, and no toll shall be demanded for passing the same, until a certificate is received, by the person keeping such gate, under the hand of one of the said judges, that said road

Proceedings when road is out of repair.

is in sufficient repair, and granting permission to shut such gate, and to receive toll.

Penalties for trespassers, &c.

XI. *And be it further enacted*, That if any person shall wilfully break or throw down any of the said gates or turnpikes, or shall dig up, or shall spoil any part of the said road, or any thing thereunto belonging, or shall forcibly pass either of the said gates, without having paid the legal toll, such person or persons shall, for every such offence or injury, forfeit and pay the sum of twenty-five dollars, to be recovered by and in the name of the clerk of the said trustees, in an action of debt, before any justice of the peace of the county where the offence shall be committed, or where the offender shall be found; which said sum, when received by the said clerk, shall be paid over to the said trustees, and by them expended and laid out in the improvement and repair of the said road; and if any person or persons shall, with his team, carriage, or horse, turn out of the said road, or pass either of the said gates or ground adjacent thereto, and again enter on said road, having passed the said gate or gates to avoid the payment of the toll due by this act, such person or persons shall forfeit and pay a fine not exceeding ten dollars, to be recovered in like manner and for the same use, with costs of suit.

Penalty on toll gatherers.

XII. *And be it further enacted*, That if any toll gatherer shall unreasonably delay or hinder any traveller or passenger, at either of the said gates, or shall demand and receive more toll than by this act is established, he shall, for every such offence, forfeit and pay five dollars, to be recovered by the person so unreasonably detained, for his own use, with costs of suit, in any court having cognizance thereof.

Trustees to keep an account, &c.

XIII. *And be it further enacted*, That the said trustees shall keep a just and fair account of all monies borrowed, received, or to be received by the several toll gatherers; and of all monies expended, or to be expended, by virtue of this act; and shall, on or before the first day of January, in each year, file a copy of the said account with the comptroller of this state, and with the clerks of the counties of Allegany and Cattaraugus; which said accounts may be examined at all reasonable times, without fee or reward.

To take an oath.

XIV. *And be it further enacted*, That each of the trustees to be appointed or elected as aforesaid, shall, before he enters upon the duties of his office, take and subscribe an oath or affirmation, before any person authorised to take the same, that he will honestly and faithfully execute the trust, by virtue of this act reposed in him; and each of the said trustees shall also execute to the people of this state, a bond, with two or more sufficient securities, (to be approved of by the first judge of the county of Allegany or Cattaraugus) which approbation shall be endorsed upon the said bond; or in case the said first judge shall be appointed a trustee, then by any other of the judges of the said counties, in the penal sum of ten thousand dollars, conditioned for the true and faithful performance of the trust reposed in him by virtue of this act, and for the due application of all monies which may come into his hands by virtue of this act, to the improvement of said road; which said oath or affirmation and bond, shall be filed in the clerk's office of the county of Allegany.

And give security.

XV. *And be it further enacted*, That if any of the said trustees shall not faithfully and truly perform the trust reposed in him by virtue of this act, the court of common pleas of the county of Allegany, shall order the said bond to be prosecuted, and the amount that shall be recovered upon the said bond, shall be paid over to the said trustees, to be expended upon the improvement of the said road. Bond how to be enforced.

XVI. *And be it further enacted*, That the commissioners of highways of the several towns through which the said road shall pass, shall divide the said road into as many road districts as they shall judge convenient, and shall cause the same to be worked in the same manner as the other road districts, in the said several towns, are worked and repaired. Road districts.

XVII. *And be it further enacted*, That the several toll gatherers, to be appointed by virtue of this act, shall take and subscribe an oath, before any person authorised to administer the same, to pay over all monies to the said trustees that shall be received by them respectively, and faithfully and honestly to execute the trust in them reposed by virtue of this act ; which said oath shall be filed with the clerk of the said trustees. Toll gatherers to take an oath.

XVIII. *And be it further enacted*, That this act shall continue in force for the term of twenty-one years, or until the monies which shall be hired upon the credit of tolls to be received at the several gates as aforesaid, shall have been paid off and discharged, together with the interest thereon, not exceeding seven per cent. per annum, when the said gates shall be taken down, and the said road shall thereafter be a free public highway ; and that it shall and may be lawful for the legislature, by law, to remove any one or more of the said trustees, and to appoint others in their stead. Duration of act.

XIX. *And be it further enacted*, That the treasurer shall pay, on the warrant of the comptroller, to Philip Church and Sylvanus Russell, two of the trustees aforesaid, the sum of one thousand five hundred dollars, on the bond of the said Philip Church and Sylvanus Russell, conditioned for the faithful expenditure ; and accounting for the said sum of money within one year from the passing of this act, on that part of the said road commencing on the line of division between the counties of Allegany and Cattaraugus, and extending on the same southwestwardly ; which road when improved and repaired, shall nevertheless be deemed, taken and considered as part of the turnpike road hereby established ; and the said trustees shall pay to the treasurer of this state, the like interest on the money hereby appropriated, as shall be paid to the person or persons loaning the money for the completion of the said road ; and out of the first receipts of money to be applied towards the repayment of principal, shall repay the said sum of fifteen hundred dollars to the treasurer aforesaid. 1500 dollars appropriated.

XX. *And be it further enacted*, That this act shall be approved, deemed, and taken to be a public act. Public act.

CHAP. XCVI.

AN ACT to annex a part of the Town of Turin, in the county of Lewis, to the Town of Martinsburgh, in said county.

Passed April 2, 1819.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That all that part of the town of Turin, in the county of Lewis, included in the following boundaries, to wit: beginning at the bend in Black river, where the line between lots number one hundred and fifty-one and one hundred and fifty-two, in township number three, strikes the westerly bank of said river; and running thence so as to intersect the state road on the line dividing the lands of Edward Johnson and Oliver Bush; and thence continuing the same course until it intersects the town line between Martinsburgh, in said county, and the said town of Turin; be and is hereby annexed and made a part of the said town of Martinsburgh.

CHAP. XCVII.

AN ACT for the relief of Elijah H. Metcalf and John Miller.

Passed April 2, 1819.

Preamble. WHEREAS Elijah H. Metcalf and John Miller did, in the month of October, in the year one thousand eight hundred and seventeen, execute to the supervisors of the town of Otsego, a bond, with Horatio G. Johnson, collector of the said town of Otsego, and as sureties for the said Horatio G. Johnson, in the manner directed by the act entitled "An act relative to the duties and privileges of towns:" *And whereas, The said Horatio G. Johnson did not collect the whole of the taxes due from the inhabitants of the said town, within the time mentioned in his warrant, but a considerable part remains unpaid: And whereas also, The said Horatio G. Johnson, is now represented insolvent: Therefore,*

Authority given. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the said Elijah H. Metcalf and John Miller, or either of them, are hereby authorised to collect all the said taxes due and unpaid; and they or either of them shall have all such powers and authority for collecting said tax, as is vested in any collector of taxes, by virtue of an act entitled, "An act for the assessment and collection of taxes," passed April 5, 1813.*

CHAP. XCVIII.

AN ACT relative to certain Taxes in the city of Albany.

Passed April 2, 1819.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That from and after the passing

of this act, all the estates, real and personal, situate within the city of Albany, west of Perry-street, shall be and hereby are declared exempted from taxation for the purpose of raising money to pay the city watch, to purchase oil, provide lamps, and to put up the same, and for repairing, cleansing and lighting the lamps which now are, or hereafter may be erected, within that part of the said city which is situated east of Perry-street aforesaid, and for making, cleansing and repairing public wells and pumps within the said city, east of Perry-street aforesaid.

CHAP. XCIX.

AN ACT to incorporate the Little Falls and Oldenbarneveld Turnpike Company.

Passed April 2, 1819.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly,* That Stephen Ward, John McCombs, William Girvan, and all such other persons as shall associate with them by becoming subscribers, to make a good turnpike road, to begin at the village of the Little Falls, in the county of Herkimer, from thence to run to the house of Bela Ward, in the town of Herkimer; from thence to the house of Lemuel Stevens, in the town of Fairfield; from thence to the house of Pardon Pearce, in the village of Newport; from thence to the house of Samuel Giles, in the town of Russia; and from thence, on the most practicable route, across the West Canada creek, to the village of Oldenbarneveld, in the town of Trenton; shall be and are hereby created a body corporate and politic, in fact and in name, by the name of "The president, directors and company of the Little Falls and Oldenbarneveld turnpike;" and by that name they, and their successors, shall be capable in law to hold, enjoy and retain to them and their successors, lands, tenements and hereditaments, goods, chattels and effects, of every kind whatsoever, for the use of the said corporation: *Provided,* That such estate, as well real as personal, shall be necessary to fulfil the end and intent of this incorporation, and to no other purpose whatsoever.

II. *And be it further enacted,* That the stock of the said company shall consist of fifteen hundred shares, of twenty dollars each share; and that Sherman Wooster and George H. Feeter, of the county of Herkimer, and John Sherman, of the county of Onondaga, shall be and hereby are appointed commissioners to receive subscriptions for said stock, in the manner directed in and by the act entitled, "An act relative to turnpike companies."

III. *And be it further enacted,* That it shall and may be lawful for the president and directors, to demand, receive and recover from the stockholders respectively, all such sums of money by them subscribed, or to be subscribed, at such times, and in such proportions, as the said president and directors shall see fit; and that the shares of such stockholders as shall refuse payment for the period

of six weeks, after demand, and all the previous payments thereon, shall, by such refusal, be forfeited to the president and directors.

Gates.

IV. *And be it further enacted*, That it shall and may be lawful for the president and directors of the said company, to erect gates or turnpikes on and across the said road : *Provided*, The said gates shall not be nearer each other than ten miles.

Proviso.

Gates when to be erected.

V. *And be it further enacted*, That whenever the said president, directors and company shall have completed ten miles of the said road, and the same shall have been inspected and approved of, according to law, they shall have a right to erect a toll gate thereon ; and when twenty miles of the said road shall be completed and approved, to erect two toll gates thereon ; and when the whole road is completed and approved of, to erect three gates, one of which shall be a half toll gate ; and appoint toll gatherers to collect and receive of and from every person or persons, using said road, at such full toll gates respectively, the following rates of toll, to wit : For every score of hogs or sheep four cents ; for every head of neat cattle, one cent ; for every horse and rider, six cents ; for every led or driven horse, three cents ; for every sulkey, chair or chaise, with one horse, twelve and an half cents ; for every cart or waggon, drawn by one horse, six cents, for every chariot, coach, coachee or phaeton, twenty-five cents ; for every stage waggon or other four wheel carriage, drawn by two horses, mules or oxen, twelve and an half cents, and for every additional horse, mule or ox, three cents ; for every sleigh or sled, drawn by two horses, mules or oxen, six cents, and in like proportion for a greater or less number of mules or oxen.

Toll.

Any turnpike company may place gates on the division line of towns, &c.

VI. *And be it further enacted*, That it shall and may be lawful for the said president and directors, or the president and directors of any other turnpike company, if they shall deem it proper, to place one or more of their turnpike gates on the division line of any town or county, where the same crosses such turnpike, notwithstanding the same may be placed within the distance prescribed by law : *Provided*, It shall in no case increase the number of gates allowed to be erected on any such road, and that such gates shall not be erected nearer to each other than five miles.

Proviso.

Directors.

VII. *And be it further enacted*, That the concerns of the said company shall be managed by seven directors, and that the said directors shall choose a president ; and any four of such directors, when met, shall form a quorum, and exercise all the powers, and be subject to all the duties directed, given or enjoyed by the aforesaid act.

General power.

VIII. *And be it further enacted*, That the said company hereby incorporated, shall have and enjoy all the rights, privileges, powers and immunities, which are given and granted in and by the aforesaid act, entitled, " An act relative to turnpike companies ;" and shall be subject to all the provisions, restrictions and regulations contained in the said act, other than is above extended and provided for.

CHAP. C.

AN ACT confirming the Treaty with the Stockbridge Indians, and for other purposes.

Passed April 2, 1819.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly,* That the treasurer shall, on the warrant of the comptroller, from time to time, pay to the tribe of Indians, called the Stockbridge Indians, the annuity secured to them by a treaty held by his excellency the governor with the chiefs and warriors of the said Stockbridge Indians, at the city of Albany, on the fourteenth day of July, in the year one thousand eight hundred and eighteen. Annuity to be paid.

II. *And be it further enacted,* That the commissioners of the land-office be, and they are hereby authorised and required, to issue letters patent to John Sargeant, junior, for two hundred and fifty acres of land, pursuant to a stipulation of the treaty aforesaid : *Provided,* That previous to the issuing of said letters patent, his excellency the governor shall certify, in writing, to the commissioners of the land-office, and file it in said office, that in his opinion, the said clause was not inserted in said treaty by the mistake or fraud of the delegates who executed the treaty on the part of the said Indians, and that he has fully investigated those facts. A patent directed to J. Sargeant, Jr.
 Proviso.

CHAP. CI.

AN ACT to abolish Imprisonment for Debt in certain cases.

Passed April 7, 1819.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly,* That it shall be lawful for any debtor who now is, or hereafter shall become insolvent, to present a petition to the chancellor, judge, or other officer, authorised to receive petitions under the act, entitled, " An act for giving relief in cases of insolvency," passed April 12th, 1813, and the several acts relative to insolvent debtors ; praying that such insolvent's estate may be assigned for the benefit of all his creditors, and that the person of such debtor may be for ever thereafter exempted from all arrest or imprisonment for or by reason of any debt or debts, due at the time of making such assignment, or contracted for before that time, though payable afterwards ; and also, if in prison, from his imprisonment. Insolvent may petition, and before whom.

II. *And be it further enacted,* That on presenting such petition, the said insolvent shall also deliver to the chancellor, judge or other officer, to whom he shall apply as aforesaid, a full, just and true account of all his creditors, (specifying particularly the place of residence of each creditor, to the best of his knowledge, information and belief, and the original and bona fide considera- Inventory to be presented.

tion of his debt,) and of all his estate, and shall deposit the evidence of his title to such estate, in the manner and form directed by the act for giving relief in cases of insolvency, passed April 12th, 1813; and shall thereupon take the following oath before such

Oath. chancellor, judge or other officer, to wit: I — do swear that the account of my creditors and the places of their residence, and the inventory of my estate, together with the evidences of my title thereto, which are both herewith delivered, are in all respects just and true; and that I have not at any time, or in any manner whatsoever, disposed of, or made over any part of my estate for the future benefit of myself or my family, or in order to defraud any of my creditors; or settled with any of my creditors with a view to obtain the benefit of this act: and thereupon the said

Notice to be published. chancellor, judge, or other officer, shall direct a notice to be given, printed and published for the like time, and in the like manner, as is directed by the said last above mentioned act; by which the creditors of the said insolvent shall be required to shew cause why the prayer of the petitioner should not be granted; and if on the day and place appointed for the purpose, or at such other

Assignment when ordered. time and place as the said chancellor, judge, or other officer shall appoint, it shall appear to the said chancellor, judge, or other officer, that such petitioner is unable to pay his debts, and that his account, and inventory presented with his petition, are true in all respects, and that he hath not concealed any part of his estate or effects, nor disposed of nor made over any part of his estate or effects for the future benefit of himself or family, or in order to defraud any of his creditors; and that such insolvent hath in all things conformed with the provisions of this act; the said chancellor, judge, or other officer, shall direct a grant or assignment to be made in the manner and form prescribed in and by the said last mentioned act.

Certificate of assignees.

III. And be it further enacted, That upon such insolvent producing a certificate, under the hand and seal, or hands and seals, of such assignee or assignees, as the chancellor, or judge, or other officer shall appoint, executed in the presence of two credible witnesses, that such insolvent hath granted, conveyed, assigned, and delivered, for the use of his creditors, all his estate, real and personal, both in law and equity, in possession, reversion, or remainder, except as is excepted by the said act; and all books, vouchers and securities relating to the same; the said chancellor, judge or other officer shall, under his hand and seal, declare that the person of such insolvent shall be for ever thereafter exempt from imprisonment, for or by reason of any debt or debts due at the time of making such assignment, or contracted for before that time, though payable afterwards; and if in prison, from his imprisonment; which discharge, or the record thereof, shall be sufficient authority to the sheriff or gaoler for discharging such prisoner, and shall be conclusive evidence in all courts within this state, of the facts therein contained, and shall authorise any sheriff or other officer, to cease from imprisoning thereafter such insolvent on any writ, process or execution for any such debt or debts as aforesaid:

proviso. *Provided,* That such debtor shall in case of mesne process endorse

Discharge, when and how granted.

his appearance thereon: *And provided further*, That nothing herein contained shall prevent any court of record, or any judge of such court, in vacation, from directing such debtor to be held to bail on mesne process, in cases of fraud, under this act.

IV. *And be it further enacted*, That the provisions contained in the sixth, seventh, twelfth, fourteenth and sixteenth sections, and the several sections following the said sixteenth section of the act entitled, "an act for giving relief in cases of insolvency," passed April 12th, 1813, shall apply to all cases raising under this act: *Provided however*, That in any distribution of such insolvent's estate, the assignees thereof shall, in the first instance, pay the costs incurred by any creditor in any suit commenced and prosecuted against such insolvent.

Certain sections applied to this act.

Proviso as to costs.

V. *And be it further enacted*, That in case any insolvent debtor, under this act, shall be guilty of perjury, or shall conceal any part of his estate or effects, or shall, after the assignment of his estate, by virtue of this act receive any debt due to him before such assignment, or if he shall secrete any part of his estate, or any books or writings relative thereto, with intent to defraud his creditors, then, and in every such case, the discharge of such insolvent shall be void; and such person shall be indictable for such fraud as a misdemeanor, and on conviction thereof, before any court of record, shall be liable to fine and imprisonment, at the discretion of the court.

Offences under this act how punishable.

VI. *And be it further enacted*, That nothing in this act contained shall be construed to discharge any debt, demand, judgment or decree against the person discharged by virtue of this act; but the same shall remain valid and effectual against any estate or effects such person may obtain after his discharge; and the plaintiff, in any judgment against any such person, may, for that purpose, sue out a new execution, or other process, for the said debt or demand, and thereby levy on such future estate or effects, in the same manner as if this act had not been passed.

Judgments & debts, &c. not discharged, but valid against future effects, &c.

VII. *And be it further enacted*, That it shall be lawful for any creditor or creditors, who shall oppose the discharge of any person by virtue of this act, to specify, in writing, under his or their hands, the ground of his or their objections thereto, and to demand, at the time of the first hearing, that the case of such petitioner shall be heard and determined by a jury; and upon such demand, the chancellor, judge, or other officer, shall nominate eighteen reputable freeholders of the county, who shall be summoned by the sheriff, or by any constable, to appear at such time and place as the said chancellor, judge, or other officer, shall appoint for that purpose in his summons, to be issued by him, not less than six nor more than twelve days from the time of issuing the same; and twelve of such persons, so summoned, shall be ballotted for and drawn in like manner as jurors, in courts of record, are ballotted for and drawn; and such twelve shall be sworn by the said chancellor, judge, or other officer, well and truly to hear, try and determine the validity of such objections; and the said petitioner, his wife and family, and any other witnesses, may be subpoenaed, heard and examined before such jury, in like manner as they may be subpoenaed, heard and examined before such chancellor, judge,

When and how a jury may be called.

Witnesses.

or other officer, by virtue of this act, without a jury ; and such jury, having heard the proofs and allegations of the parties, shall determine the said matter submitted to them ; and for that purpose shall be kept together by some proper officer, to be sworn, as is usual in like cases in courts of record, until they agree upon their verdict ; and such verdict shall be conclusive in the premises : *And further*, there shall be but one hearing before a jury in any case under this act ; and in case their verdict shall be favorable to the petitioner, it shall entitle him to his discharge, in like manner as if such chancellor, judge, or other officer, had exclusively heard and determined the said matter ; and if unfavorable, the petition of the debtor shall be dismissed ; but if such jury cannot agree after being kept together for such time as the chancellor, judge, or other officer, shall think reasonable, then the said chancellor, judge, or other officer, shall himself decide upon the merits of the said application as if no jury had been called.

Pews, bibles, and school books exempt from execution.

VIII. *And be it further enacted*, That it shall not be lawful for any sheriff, constable, or other officer, to levy on or seize, by virtue of any execution, the pew in any church or house of public worship, the family bible, and school books used by or in the family of any person against whom any such execution is issued.

Householders when exempt from imprisonment for debts not exceeding D. 10

IX. *And be it further enacted*, That no householder, in this state, shall be imprisoned on any execution to be issued on any judgment obtained in any court of any justice of the peace on any contract entered into after the first day of May next, where the amount of such judgment shall not exceed the sum of ten dollars, unless such judgment shall be rendered against a person being a

Proviso.

freeholder : *Provided*, That such householder shall, at the time of the judgment, prove, on his own oath, or otherwise, to the satisfaction of the justice, that he comes within the provisions of this section of this act, in which case the execution shall issue against the goods and chattels only of the defendant : *And provided also*, That such householder shall prove, to the said justice as aforesaid, that he is a resident of the county where such judgment is obtained.

Further proviso.

Expenses of trial by jury payable by creditor.

X. *And be it further enacted*, That the expense of trying any case, by jury, under and in virtue of this act, shall be borne and paid by the creditor or creditors requiring the same, each juror sworn being entitled to twenty-five cents, and the sheriff or constable summoning the jury, to one dollar twelve and a half cents, and no more.

Insolvents who are endorser's discharged.

XI. *And be it further enacted*, That the discharge of any insolvent debtor, under this act, shall apply to any liability he may have incurred by indorsing any promissory negotiable note or bill of exchange, although the same may not have fallen due at the time of such discharge ; but the holder or proprietor of any such note or bill shall be entitled to come in under the assignment for his dividend, in like manner as if such note or bill had fallen due before such discharge and such debtor been made liable thereon as endorser.

Proceedings to be filed.

XII. *And be it further enacted*, That all proceedings, under this act, for the discharge of any debtor, shall be filed with the clerk of the county in which the application shall be made ; and

the said clerk shall file the same without being entitled to any fee or reward for the same.

XIII. *And be it further enacted*, That if any person shall give, confess or execute, to another person, any judgment or any bond and warrant of attorney, to enter up a judgment purporting to be for a sum or debt due to the plaintiff, when in fact nothing, or only a part, is due, with intent to defraud the bona fide creditors of such defendant, or to place the property of the defendant out of the reach of such creditors, or to hold the same on some secret trust or confidence, or for the benefit of such defendant, such person shall be and he is hereby declared to be guilty of a high misdemeanor, and shall, on conviction before any court of competent authority, be punished by fine or imprisonment, or both, in the discretion of the court before whom such conviction shall be had, according to the nature and aggravation of the offence; and the person taking or receiving such judgment or bond and warrant of attorney, knowing the fraudulent design and object thereof as aforesaid, shall, on conviction, be punished in like manner.

Confessing a
fraudulent
judgment
how punish-
able.

CHAP. CIL.

AN ACT in addition to the act entitled, "an act to amend the act relative to incorporations for manufacturing purposes."

Passed April 7, 1819.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be lawful for any company who shall become a body corporate under the act entitled, "an act to amend an act entitled, 'an act relative to incorporations for manufacturing purposes'," passed April 14th, 1817, to locate their establishment in the county of Oneida, any thing in the proviso to said act to the contrary notwithstanding.

CHAP. CIII.

AN ACT to enable the Mayor, Recorder and Aldermen, of the city of New-York, to raise money by a tax.

Passed April 7, 1819.

I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the mayor, recorder and aldermen, of the city of New-York, as the supervisors of the city and county of New-York, or a majority of them, of whom the mayor or recorder shall be one, shall be and hereby are empowered, as soon as conveniently may be after the passing of this act, to order and cause to be raised, by tax, on the estates, real and personal, of the freeholders and inhabitants of and situated within said city, and to be collected a sum not exceeding one hundred and forty thousand dollars, to be applied to the support and

140,000 dollars.
to be raised
by tax.

maintenance of the poor of said city and county, the support and maintenance of criminal persons, the support of common schools, the support and repairs of the bridewell and penitentiary of the said city, the repairing and taking care of other public buildings of the said city belonging to and under the custody and care of the mayor, aldermen and commonalty of the city of New-York, the making, regulating, repairing and improving the public roads in the said city and county, the defraying other contingent expenses arising within and properly chargeable to the said city and county, and for the defraying the expenses which the mayor, aldermen and commonalty of the said city of New-York may sustain or be put to in executing the powers vested in them by the act passed the ninth day of April, one thousand eight hundred and thirteen, entitled, "an act to reduce several laws relating particularly to the city of New-York into one act," and for supplying the deficiencies of former taxes upon any and every of the wards of the said city, owing to the insolvency or inability of the collectors of the said wards, or any or either of them or others, and fees of collection not heretofore provided for, such deficiencies, however, to be assessed on the estates, real and personal, of the freeholders and inhabitants of and situated within the said wards respectively, where they shall happen as aforesaid; and also a further sum, not exceeding one hundred and ten thousand dollars, by a tax on the estates, real and personal, of the freeholders and inhabitants of and situate within the said city, to the southward of a line beginning at the north river at a place called Decklyne's ferry, a little to the northward of the state-prison, and running thence easterly in front of the new bank-houses to the road called Sandyhill road, and through the said road to the northward of Potter's field and the house of William Nielson to Broadway, through Broadway to Thirteenth-street, and through Thirteenth-street to the east river, including the lots fronting on both sides of the line thus designated, to be applied to the payment of so many watchmen as the mayor, aldermen and commonalty of the city of New-York, in common council convened, shall appoint and employ for watching and guarding the said city, to the purchasing of oil, providing lamps, and putting up the same, and repairing, cleansing and lighting those which now are or may hereafter be erected within that part of the said city last described, to the cleansing and repairing public wells and pumps in the said city, and to defraying the other contingent expenses arising within and properly chargeable to that part of the said city, to the southward of the line aforesaid, as the said mayor, aldermen and commonalty, in common council convened, may, from time to time, direct, and for supplying the deficiencies of former taxes upon the same part of the said city last described, owing to the insolvencies and fees of collectors not heretofore provided for, such deficiencies however to be assessed on the estates, real and personal, of the freeholders and inhabitants of and situated within the said wards respectively, where they shall happen as aforesaid to the southward of the line aforesaid.

And also
110,000 dolls.
for other pur-
poses-

Assessments
how made.

II. *And be it further enacted*, That the said several sums of money shall be assessed in manner directed by the act entitled, "an act for the assessment and collection of taxes;" and each person's

tax, in one ward, shall be collected in one payment, and the monies, so collected, paid into the hands of the treasurer or chamberlain of the said city, at such times after the passing of this act as the said mayor, recorder and aldermen, as the supervisors of the city and county of New-York, or a majority of them, of whom the mayor or recorder shall be one, shall appoint and direct.

III. *And be it further enacted*, That it shall be lawful for the collectors of the first, second and third wards of the said city, to retain in their hands three cents on each dollar by them collected; the collectors of the fourth, fifth, sixth, seventh, eighth and tenth wards of the said city, to retain in their hands five cents on each dollar by them collected; and the collector of the ninth ward of the said city, to retain in his hands six cents on each dollar by him collected, and no more, as a full compensation to each of the said collectors, respectively, for their trouble in collecting and paying to the said treasurer or chamberlain the monies which shall be raised by virtue of this act.

Allowance to collectors.

CHAP. CIV.

AN ACT to authorise the construction of a Harbor at the mouth of Buffalo Creek, on Lake Erie.

Passed April 7, 1819.

I. *BE it enacted by the people of the State of New-York*, ^{12,000 dollars represented in Senate and Assembly,} That it shall and may be lawful for the comptroller to lend to Jonas Harrison, Ebenezer Walden, Heman B. Porter, John G. Camp, Oliver Forward, Albert H. Tracy, Ebenezer Johnson, Ebenezer F. Norton and Charles Townsend, all or any of them, the sum of twelve thousand dollars, out of any unappropriated money in the treasury, on receiving good, sufficient and satisfactory security, by a bond and mortgage, or bonds and mortgages, the land mortgaged to be free and clear from all incumbrances whatsoever, conditioned for the re-payment of the money in ten years from the date of such bond and mortgage, with lawful interest, annually, to commence five years from and after the date of such bond and mortgage; and conditioned further, that the said money shall be applied towards the construction of a harbor at the mouth of Buffalo creek, on Lake Erie, for the security of vessels navigating on the said lake, in such form and in such manner as the canal commissioners, appointed by an act respecting navigable communications between the great western and the northern lakes and the waters of the Hudson, shall direct and order: *And further*, the said persons above named, or a major part of them, shall execute, before receiving said money, a joint bond to the people of the state of New-York, in the penal sum of five thousand dollars; which shall be regarded as stipulated damages conditioned that the said money shall be faithfully expended for the sole purpose contemplated by this act.

appropriated for a harbor &c.

II. *And be it further enacted*, That it shall be the duty of the said canal commissioners to view and examine, or cause to be

Duty of canal commissioners.

viewed and examined, the entrance into Buffalo creek; and if they shall be of the opinion that it may be so improved as to render it necessary or useful as connected with the canal from Lake Erie to the tide waters of the Hudson river, they shall direct the manner in which the same shall be improved; and may and shall appoint one or more agents to superintend the construction of such works as may be necessary therefor; and shall also give notice, in writing, to the comptroller, of such their opinion and appointment; and it shall thereupon be lawful for the comptroller, at any time hereafter, to audit and settle any account of the expenditure of the said sum of money, in manner and for the purpose aforesaid, and to endorse, from time to time, the amount of such expenditure, or to cancel and discharge the said bond and mortgage; and he shall also, from time to time, charge to the canal fund the amount of such expenditure, and place a corresponding credit to the general funds of the treasury.

And of the
comptroller.

Further powers
of canal
commission-
ers.

III. *And be it further enacted*, That if the said canal commissioners shall not within six months from and after the passing of this act commence the survey of said harbor, as prescribed by the second section of this act, or if they determine that the said harbor at Buffalo creek ought not to be constructed at the expense of the state, and considered as part of or connected with the canal from Lake Erie to Hudson's river, and shall give notice thereof to the persons who may give the security for the said sum of money; they may thereupon, from time to time, receive as may be wanted for the advancement of the work, proceed to expend the same in such manner as shall or may be approved of by them, or a majority of them, in the construction of a safe and secure harbor for vessels as aforesaid; and in this event they shall expend the said sum of money for the purpose aforesaid, within two years from the receipt of such notice aforesaid, and within three months thereafter account with the comptroller for the expenditure thereof; and it shall and may be lawful for the persons borrowing and securing the said sum, with the consent of said canal commissioners, and under such regulations as they shall, from time to time, prescribe, to impose, levy and collect such sum per ton, on each vessel which may enter the harbor hereby authorised to be constructed, as a remuneration for any advances which they make in constructing the said harbor and keeping the same in repair.

Shares to be
divided.

IV. *And be it further enacted*, That the persons who shall improve the harbor aforesaid, may divide the amount of expenditures into as many shares as they may think proper; and they and their associates may make such by-rules, laws and regulations, to be approved of by the said canal commissioners, for the management and protection of the said harbor, and the collection of the tolls, and the distribution of the income, as they may deem proper.

CHAP. CV.

AN ACT concerning the Great Western and Northern Canals.

Passed April 7, 1819.

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly,* That it shall be the duty of the commissioners of the canal fund, in addition to the sums which they are already authorised to borrow, to borrow, from time to time, monies, on the credit of the state, at a rate not exceeding six per centum per annum, and not exceeding in any one year a sum, which together with the net income of the canal fund, and with the sums which they are already authorised to borrow shall amount to six hundred thousand dollars; for which monies so to be borrowed, certificates of stock shall be issued in the manner directed in and by the act entitled, "an act to improve the funds, and to provide for the redemption of the funded debt of this state," payable at such time or times as may be determined by the said board, out of the said canal fund, and to pay to the canal commissioners the monies so to be borrowed. Additional sums to be borrowed.

II. *And be it further enacted;* That the canal commissioners be and they are hereby authorised and empowered, in behalf of this state, and on the credit of the canal fund, to proceed to open communications by canals and locks, between the Seneca river and Lake Erie; between such point on the Mohawk river, where the middle section of the great western canal shall terminate and the Hudson river; between Fort Edward and the navigable waters of the Hudson river, and between the great western canal and the salt works in the village of Salina; to receive, from time to time, from the commissioners of the canal fund, such monies as may be necessary for and applicable to the objects hereby contemplated; to cause the same to be expended in the most economical and prudent manner in all such works as may be proper to make the said canals and locks, and on completing any of the works contemplated by this act; to establish reasonable tolls, and adopt all measures necessary for the collection and payment thereof to the commissioners of the canal fund. Canals to be extended.

III. *And be it further enacted,* That all the provisions of the third section of the act entitled, "an act respecting navigable communications between the great western and northern lakes and the Atlantic ocean," as it respects the powers of the canal commissioners to enter upon and take possession of the lands, waters and streams therein mentioned, the construction of all necessary artificial works thereon, the mode of estimating and appraising the loss and damage occasioned thereby to the owners and proprietors of such lands; and the payment of the damages to be so assessed and appraised, shall be extended to and apply to all and singular any lands, waters and streams necessary for the prosecution of the improvements intended by this act; and the same proceedings shall be had for estimating and appraising the loss and damage occasioned by the occupation thereof, and for payment of the same, as in Land, &c. to be entered on

and by the third section of said act is provided in relation to the lands therein mentioned.

Exempt
from militia
duty.

IV. *And be it further enacted*, That every person actually engaged in laboring on either of the canals authorised by this act, or the act respecting navigable communications between the great western and northern lakes and the Atlantic ocean, shall be exempt from doing militia duty in this state, except in cases of insurrection or invasion, during the time when he is so actually engaged; and the certificate of one of the canal commissioners or contractors who shall employ such men so liable to perform militia duty, in the performance of their contracts, shall be prima facie evidence of such engagement.

Assessments
suspended.

V. *And be it further enacted*, That the assessments upon certain lands which are directed to be made by the seventh section of the act respecting navigable communications between the great western and northern lakes and the Atlantic ocean, shall be suspended until the further order of the legislature thereon: *And further*, That whenever the legislature shall direct the assessment and collection of such tax, a similar tax shall be assessed and collected on the sections authorised by this act, and on the like principles as declared in said seventh section.

Accounts
when to be
settled.

VI. *And be it further enacted*, That it shall be the duty of the canal commissioners, on or before the first day of February, in each and every year, to settle and account with the comptroller for all monies by them received from the commissioners of the canal fund; and it shall be the duty of the comptroller to report the settlements so made to the legislature, as soon thereafter as may be, detailing the sums allowed by them to the engineers, agents and servants, respectively employed in the superintendence and construction of said canal and the works connected therewith.

Pay of the
commission-
ers.

VII. *And be it further enacted*, That there shall be allowed and paid to such of the canal commissioners (to be designated by the board, and not to exceed three in any one year) as shall be actually engaged in the superintendence of the works and the immediate duties connected therewith, in full compensation for their services and personal expenses, a salary of twenty-five hundred dollars each a year, to commence on the first day of January last.

CHAP. CVI.

AN ACT to amend the act entitled, "an act for the relief of debtors, with respect to the imprisonment of their persons."

Passed April 7, 1819.

Prisoners in
execution for
certain sums
how dischar-
ged.

BE it enacted by the people of the State of New-York, re- presented in Senate and Assembly, That before any person shall be entitled to his discharge from imprisonment by virtue of the first section of the act hereby amended, such person shall make affidavit, before one of the justices of the supreme court, or a com-

missioner authorised to take affidavits, or any of the judges of any court of common pleas, or any justice of the peace, who are hereby required to take such affidavit, that he comes within the provisions of the first section of the said act hereby amended ; which affidavit shall be taken in presence of the sheriff, or any of his deputies or gaoler, who are hereby required to attend for that purpose, when called on by such prisoner ; and on producing and delivering such affidavit to the sheriff or gaoler of the county where the party shall be imprisoned, such party shall be forthwith discharged from prison ; and it shall be the duty of the sheriff or gaoler to file such affidavit in the office of the clerk of the county where such prisoner shall be imprisoned, whose duty it shall be to file the same without demanding any fees therefor ; and if any sheriff or gaoler shall be sued or prosecuted for, or by reason, of any discharge under this act, and the first section of the act hereby amended, he may plead the general issue, and give this act and the act hereby amended, and the special matter, in evidence, in full justification and defence : *Provided always*, That if any person shall wilfully, falsely and corruptly make an oath or affidavit required by this act, he shall, on conviction thereof, in any court having cognizance thereof, suffer the pains and penalties inflicted on persons guilty of wilful and corrupt perjury ; and shall also be subject to be taken in execution at the suit of the party, in like manner as if he never had been discharged under this act, and the act hereby amended.

CHAP. CVII.

AN ACT to improve the Agriculture of this State.

Passed April 7, 1819.

1. *BE it enacted by the People of the State of New-York, Money distributed.* That the sum of ten thousand dollars per year, for the term of two years from and after the passing of this act, shall be and hereby is appropriated for the promotion of agriculture, and family domestic manufactures, within this state ; that the said sum shall be distributed among the several counties of this state in the manner following, to wit : To the county of Albany, three hundred and fifty dollars ; to the county of Allegany, seventy-five dollars ; to the county of Broome, one hundred dollars ; to the county of Cayuga, two hundred and fifty dollars ; to the county of Chautauque, fifty dollars ; to the county of Chenango, two hundred dollars ; to the county of Clinton, one hundred and twenty-five dollars ; to the county of Columbia, three hundred dollars ; to the county of Cortland, one hundred and twenty-five dollars ; to the county of Delaware, two hundred dollars ; to the county of Dutchess, four hundred dollars ; to the county of Essex, one hundred and twenty-five dollars ; to the county of Franklin, one hundred dollars ; to the county of Genesee, two hundred and fifty dollars ; to the county of Greene, two hundred dollars ; to the county of Herkimer, two hundred dollars ; to the county of Jefferson, two hundred dollars ; to the county of

Kings, seventy-five dollars ; to the county of Lewis, one hundred dollars ; to the county of Madison, two hundred and fifty dollars ; to the county of Montgomery, four hundred dollars ; to the county of New-York, six hundred and fifty dollars ; to the county of Oneida, and that part of the county of Oswego which formerly formed a part of the county of Oneida, four hundred dollars ; to the county of Onondaga, and that part of the county of Oswego which formerly formed a part of the county of Onondaga, three hundred dollars ; to the county of Ontario, five hundred dollars ; to the county of Orange, three hundred dollars ; to the county of Otsego, four hundred dollars ; to the county of Putnam, one hundred dollars ; to the county of Queens, two hundred dollars ; to the county of Rensselaer, three hundred and fifty dollars ; to the county of Richmond, seventy-five dollars ; to the county of Rockland, one hundred dollars ; to the county of Saratoga, three hundred dollars ; to the county of Schenectady, one hundred dollars ; to the county of Schoharie, two hundred dollars ; to the county of Seneca, one hundred and fifty dollars ; to the county of St. Lawrence, one hundred dollars ; to the county of Steuben, one hundred and fifty dollars ; to the county of Suffolk, two hundred dollars ; to the county of Sullivan, one hundred dollars ; to the county of Tioga, one hundred and fifty dollars ; to the county of Tompkins, one hundred and fifty dollars ; to the county of Ulster, two hundred and fifty dollars ; to the county of Warren, one hundred dollars ; to the county of Washington, three hundred and fifty dollars ; and to the county of Westchester, two hundred and fifty dollars.

Societies to raise a certain sum.

II. *And be it further enacted*, That whenever an agricultural society shall be formed in any one county, or in two contiguous counties, and the members thereof shall annually procure, or raise by voluntary subscription, any sum of money, the president and treasurer shall make and subscribe an affidavit of the facts of the formation of such society, and of their having raised a certain sum, specifying the amount thereof ; which affidavit shall be filed with the comptroller of this state, who shall draw his warrant on the treasurer, for the payment of a sum equal to the amount of such voluntary subscription ; not, however, in any case exceeding the amount to which such county or counties would be entitled according to the apportionment aforesaid.

Officers to be elected, and duty.

III. *And be it further enacted*, That the several agricultural societies which may be formed in this state, shall elect such and so many officers as they may deem proper, all of whom shall be practical farmers ; none of whom, however, shall receive any emolument from his office ; and it shall be the duty of such officers annually to regulate and award premiums on such articles and productions as they may deem best calculated to promote the agricultural and manufacturing interest of this state.

Description of process, &c.

IV. *And be it further enacted*, That each person to whom any premium shall be awarded, for any agricultural product, shall, before the receipt thereof, make as accurate a description of the process used in cultivating the soil, and in raising the crop, or of feeding the animal, as may be ; and shall in all cases describe the nature of the soil, the kind and quantity of the manure, the

state thereof, and time of the year in which applied ; and deliver the same to the president of said society.

V. *And be it further enacted*, That the several presidents of the said societies, shall annually, within one week after the annual meeting of the legislature, transmit all such reports or returns to the office of the secretary of state, to be by him kept safely till demanded by the board of agriculture, herein after named and organized. Duty of presidents.

VI. *And be it further enacted*, That the several presidents of the several agricultural societies within this state, or a delegate to be chosen by each of the said societies, shall form a board of agriculture for this state ; who, on the first Monday after the annual meeting of the legislature, may convene in the capitol, in the city of Albany, any five of whom shall form a quorum ; may elect a president, secretary, and such other officers as they may think proper, receive and examine all such reports and returns as aforesaid, and select for publication, such of them, and such other essays as they may judge advisable ; and shall annually publish a volume at the expense of the state, to be distributed by means of the said agricultural societies, to the good people of the state, not exceeding fifteen hundred copies of such volume ; which president and secretary shall continue in office during the continuance of this act. Board of agriculture.

VII. *And be it further enacted*, That the treasurer of this state shall, annually pay, on the warrant of the comptroller, to the said board of agriculture, one thousand dollars, to enable them to purchase and distribute among the several agricultural societies, such useful seeds as they may deem proper, and to defray such other necessary expenses to promote the object of this act, as are not otherwise provided for ; and said board shall annually account with the comptroller for the expenditure of said money. Money to buy seeds, &c. appropriated.

VIII. *And be it further enacted*, That it shall be the duty of the secretary of this state, as soon as may be, to cause this act to be published in at least one newspaper, printed in each of the great districts of this state. Act to be published.

CHAP. CVIII.

AN ACT directing Circuit Courts to be held in the county of Orange.

Passed April 7, 1819.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That a circuit court, and a court of oyer and terminer and gaol delivery, be held in the county of Orange twice in each year ; one of which courts to be held at the court house in Goshen, the other at the academy, in the village of Newburgh, or at the court house in Goshen, as the justices of the supreme court shall, from time to time, direct ; and which courts shall be held at such times as the said justices may, by order, (to be published in the usual manner) from time to time appoint.

CHAP. CIX.

AN ACT for incorporating the Ocean Steam Ship Company.

Passed April 7, 1819.

Preamble.

WHEREAS Cadwallader D. Colden, John Whetton, Henry Eckford, John Graham, Preserved Fish, Elisha Tibbits, David Dunham, Stephen Whitney, Robert Bogardus, James B. Murray, and Charles Hall, in behalf of themselves and their associates, have represented that they are desirous of constructing and employing steam ships in navigating the ocean : That they have a confidence that vessels may be so constructed as to unite all the safety and other advantages of common ships, to the additional velocity to be gained by the application of steam : Therefore,

Corporation created.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That the said Cadwallader D. Colden, John Whetton, Henry Eckford, John Graham, Preserved Fish, Elisha Tibbits, David Dunham, Stephen Whitney, Robert Bogardus, James B. Murray, and Charles Hall, and their associates, and all persons who now are, or hereafter may be, holders of the stock herein after mentioned, are hereby declared to be a body corporate, by the name of "The Ocean Steam Ship Company ;" so to remain and continue until the first day of June, in the year one thousand eight hundred and forty-one.

Style.

Stock.

II. *And be it further enacted,* That the capital stock of the said company or corporation, shall not be less than two hundred and fifty thousand dollars, nor more than five hundred thousand dollars ; and that the stock shall be divided into shares of five hundred dollars each.

Directors.

III. *And be it further enacted,* That all the affairs, concerns, and business of the association, shall be managed and conducted by or under the direction of eleven directors, being stockholders and citizens of this state ; who shall be elected by the stockholders of said corporation ; and the first election shall be held on the first Monday of June, in the year one thousand eight hundred and twenty-one, and annually thereafter ; which election shall be by ballot, and each stockholder in such election shall be entitled to one vote for each share he shall hold at the time of such election ; and until the first Monday of June, in the year one thousand eight hundred and twenty-one, the said Cadwallader D. Colden, John Whetton, Henry Eckford, John Graham, Preserved Fish, Elisha Tibbits, David Dunham, Stephen Whitney, Robert Bogardus, James B. Murray, and Charles Hall, shall be directors of the said corporation, and shall continue to be directors until others shall be duly elected ; and so, from time to time, the directors who may be duly elected, shall continue in office, and hold over, until others shall be duly elected in their place and stead.

Elections.

First directors.

Power to make by-laws, &c.

IV. *And be it further enacted,* That the directors aforesaid, and those who may, from time to time, be duly elected, shall, as soon as conveniently may be, after their election, appoint one of their number to be president : And shall have power to make all such by-laws, rules and regulations, not inconsistent with the laws

of this state, or of the United States ; and to appoint all such officers, agents, clerks and servants, as may be necessary for transferring the stock of said company or corporation, and for the better ordering, regulating and conducting the affairs of the said corporation, and the election of directors.

V. *And be it further enacted*, That nothing herein contained shall be taken to authorise the said corporation to employ any part of their capital for banking purposes, or for any other objects than those connected with navigation by steam. Banking prohibited.

VI. *And be it further enacted*, That nothing contained in this act, shall prohibit the legislature of this state from repealing the same, when they may deem it proper so to do. Power retained of repealing, &c. this act.

CHAP. CX.

AN ACT to incorporate the General Synod of the Reformed Protestant Dutch Church.

Passed April 7, 1819.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That the general synod of the Reformed Protestant Dutch Church, shall be and hereby is declared to be a body politic and corporate, by the name and style of "The General Synod of the Reformed Protestant Dutch Church ;" with full power to sue and be sued, defend and being defended, by that name, in all courts of law and equity ; and to have a common seal, and alter the same at pleasure ; and also to take, purchase and hold real and personal estate, and to sell and convey the same : *Provided*, The yearly value of such real and personal estate shall not exceed the sum of ten thousand dollars ; and that the same shall not be appropriated to any other than religious and charitable uses and purposes. Corporation created. style. Provide.

II. *And be it further enacted*, That it shall be lawful for the regular members of the said general synod, at their annual meetings, to appoint a president, three directors, and a treasurer, of the said corporation ; and to make and ordain by-laws and regulations, relating to the management and disposition of their real and personal estate, the duties of the said president, directors and treasurer, and the duration of their respective offices : *Provided always*, That such by-laws and regulations shall not be inconsistent with the constitution and laws of this state, or of the United States. Officers to be chosen. Provide.

III. *And be it further enacted*, That it shall at all times be lawful for the legislature to repeal or amend this act. Power to repeal, &c. retained.

CHAP. CXI.

AN ACT to amend an act entitled, "*An act to incorporate the Union Insurance Company,*" passed March 31, 1818.

Passed April 7, 1819.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the number of directors of the Union Insurance Company, be increased from seventeen to twenty-three; and the vacancies of the six additional directors hereby created, may be filled until the next annual election for directors in said company, in like manner as other vacancies of directors therein, are directed, by the act hereby amended, to be filled.

CHAP. CXII.

AN ACT to erect part of the towns of Edinburgh and Hadley, in the county of Saratoga, into a separate town.

Passed April 7, 1819.

Town of Concord created.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the Monday immediately preceding the first Tuesday of March next, such parts of the towns of Hadley and Edinburgh, in the county of Saratoga, as are contained within the following bounds, to wit: Beginning at the east corner of the farm of Walter Hunt, in the town of Edinburgh, on the north bank of the west branch of the Hudson river; and running from thence north thirty degrees and forty minutes west, to the rear line of the river division of Palmer's purchase; thence along the said rear line westerly, until it intersects the east bounds of the county of Montgomery; then along the said east bounds of the county of Montgomery northerly to the south bounds of the county of Warren; thence along the same until a course of south thirty degrees and forty minutes east, will intersect the west bounds of lot number fifty-one in Palmer's purchase; thence along said west bounds of lot number fifty-one to Palmer's purchase, southerly to the Sacandaga river; thence on a straight line to the west corner of lot number three in the twenty-fourth allotment of the Kayderosseras patent; thence along the said west line of lot number three, to the north line of the town of Corinth; thence along said town of Corinth to the west corner of said town of Corinth; and from thence to the place of beginning; be and the same is hereby erected into a new town, by the name of Concord; and that the first town meeting, to be held in said town hereby erected, shall be held at the school house of school district number six, in the now town of Edinburgh, on the first Tuesday of March next.*

Residue as formerly.

II. *And be it further enacted, That all the remaining parts of the towns of Hadley and Edinburgh, shall be and remain separate towns, by the names of Hadley and Edinburgh.*

III. *And be it further enacted*, That as soon as may be after the first Tuesday of March next, the supervisors and overseers of the poor of the aforesaid towns, shall, by notice to be given for that purpose by the supervisors thereof, meet together and apportion the poor to be maintained by the said towns of Hadley and Edinburgh, and the poor money belonging to the same previous to the division thereof, agreeable to the tax lists ; and that each town shall for ever thereafter support its own poor. ^{poor money to be divided.}

CHAP. CXIII.

AN ACT *for the relief of the Mayor, Aldermen and Commonalty of the City of Hudson.*

Passed April 7, 1819.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the eighth section of the act entitled, " An act for the incorporation and support of the Hudson Lancaster Society," passed April 15, 1817, be and the same is hereby repealed.

CHAP. CXIV.

AN ACT *authorising the Justices of the Supreme Court to direct a Circuit Court and Court of Oyer and Terminer, for the county of Franklin.*

Passed April 7, 1819.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall be lawful, and it is hereby made the duty of the justices of the supreme court, to direct a circuit court, and a court of oyer and terminer, to be held in and for the county of Franklin, during the vacation between the next terms of May and August, of the said supreme court.

CHAP. CXV.

AN ACT *to incorporate the Mechanic Fire Insurance Company of the City of New-York.*

Passed April 7, 1819.

WHEREAS Eldad Holmes, Henry Eckford, Lewis Hartman, ^{Preamble.} and George W. Pitman, and their associates, as a company, under the name of the " Mechanic Fire Insurance Company of the city of New-York," have by their petition, presented to the legislature, prayed for an act of incorporation, for the purposes of insuring against any loss or damage by fire : Therefore,

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That all such persons as ^{Corporation created.}

Style.

now are, or hereafter shall be, stockholders of the said company, shall be, and they are hereby created, a body corporate and politic, in fact and in name, by the name of the "Mechanic Fire Insurance Company of the city of New-York;" and by the said name they, and their successors, shall and may have continual succession, and shall be in law capable of suing and being sued, pleading and being impleaded, defending and being defended, answering and being answered unto, in all courts and judicatures whatsoever and wheresoever, in all manner of actions, suits, complaints, matters, and causes whatsoever; and also of contracting and being contracted with, relative to the funds of the said corporation, and the business and purposes for which the said corporation is hereby created, as herein after declared; and they and their successors may have a common seal, and may change and alter the same at their pleasure.

Powers of corporation.

II. *And be it further enacted*, That the corporation hereby created, is so created for the purposes, and shall have power and authority, to make contracts of insurance, with any person or persons, body politic or corporate, against loss or damage by fire, of any houses or buildings whatsoever, and of any goods, chattels, or personal estate whatsoever; for such time or times, and for such premium or consideration, and under such modifications or restrictions, as may be agreed on between the said corporation and the person or persons agreeing with them for such insurance.

Stock.

III. *And be it further enacted*, That the capital stock of the said corporation shall be five hundred thousand dollars, and shall be divided into shares of fifty dollars each; but it shall nevertheless be lawful for the said corporation, when and so soon as two hundred and fifty thousand dollars of the said capital stock shall have been subscribed and paid for, or satisfactorily secured to be paid, to commence their said business, and with that capital conduct and carry on, until they shall find it expedient to extend their capital, which they are authorised to do, from time to time, to the amount herein before mentioned.

Real estate.

IV. *And be it further enacted*, That it shall and may be lawful for the said corporation to purchase and hold such and so much real estate, as shall be necessary for their convenient accommodation in the transaction of their business; and also to take and hold such real estate or securities, bona fide mortgaged or pledged to the said corporation, either to secure the payment of the shares of the capital stock thereof, or to secure the payment of any debt which may be contracted with the said corporation; and also to proceed on the said mortgages, or other securities, for the recovery of the monies thereby secured, either at law or in equity, or otherwise, in the same manner as any other mortgagor is or shall be authorised to do; and also to purchase on sales made by virtue of any judgment at law, or any order or decree of a court of equity, or other legal proceeding; or otherwise to receive and take any real estate in payment, or towards the satisfaction of any debt previously contracted and due to the said corporation, and to hold the same until they can conveniently and advantageously sell and convert the same into money, or other personal property: *Provided always*, That it shall not be lawful for the said corporation to

Enviso.

deal or use or employ any part of the stock, funds or monies thereof in buying or selling any goods, wares or merchandize, in the way of traffic, or in any banking operations, or in the purchase or sale of any stock or funded debt created or to be created under any law of the United States, or of any particular state; but it shall nevertheless be lawful for the said corporation to purchase and hold any such stock or funded debt for the purpose of investing therein any part of their capital stock, funds or money, and also to sell and transfer the same, and again to renew such investments when and as often as the exigencies or a due regard to the interests of the said corporation shall require; and also to make loans of the capital stock, funds or monies, on bonds and mortgages, and the same to call in and re-loan as occasion may render expedient.

V. *And be it further enacted*, That the stock, property, affairs ^{Directors.} and concerns of the said corporation shall be managed and conducted by twenty-four directors, who may respectively hold their offices for one year, and until others may be chosen, and no longer; which directors shall at all times during their continuance in office be stockholders in the said company in their own right, and shall be citizens of the United States; and the said directors shall here- ^{Elections.} after be elected on the first Monday of June, in each and every year, at such hour of the day, and at such place in the city of New-York, as the board of directors for the time being shall appoint, of which election public notice shall be given in two of the public newspapers printed in the city of New-York, at least ten days immediately preceding such election; and such election shall be holden under the inspection of three stockholders, not being directors, to be appointed previously to every election by the board of directors; and such election shall be made by ballot, and by a plurality of votes of the stockholders then present, or their proxies, allowing one vote for every share of the said stock; but no share shall entitle the holder to vote unless the same shall have been held by him at least sixty days next immediately preceding such election; and the first directors shall be Henry Eckford, Eldad Holmes, ^{First direc-} Robert Bogardus, Lewis Hartman, Stephen Brittain, James L. Bell, Henry Astor, Silvanus Miller, Whitehead Hicks, Dennis H. Doyle, James Palmer, Joseph R. Drake, George Youle, Thomas Gibbons, Charles Dickinson, George Buckmaster, Jonas Mapes, John R. Livingston, Samuel James, John Franklin, Cornelius Schuyler, Daniel Austin, Anthony Steenbeck and Isaac S. Douglass; and shall respectively hold their offices until the first Monday in June, in the year one thousand eight hundred and twenty, and until other directors shall be elected.

VI. *And be it further enacted*, That the directors herein be- ^{President.} fore named shall, as soon as may be after the passing of this act, and the directors to be chosen at such annual election shall, as soon as may be thereafter, proceed to choose, out of their body, one person to be president, who shall preside until the next annual election thereafter; and in case of the death, resignation, or inability, or refusal to serve, of the president, or any director of the said corporation, such vacancy or vacancies may be filled for the remainder of the term by the board of directors; and in case of the absence of the president, the board of directors shall have power to

appoint a president pro tempore, who shall have and exercise such powers and functions as the by-laws of the said corporation may provide.

Elections
may be made
at any time.
Sec.

VII. *And be it further enacted*, That if it shall happen that an election of directors shall not be made on any day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved; but it shall be lawful, on any other day, to hold and make an election of directors, in such manner as shall have been regulated by the by-laws and ordinances of the said corporation.

Stock trans-
ferable.

VIII. *And be it further enacted*, That the stock of the said corporation shall be assignable and transferable, according to such rules, and subject to such restrictions and regulations, as the board of directors shall, from time to time, make and establish, and shall be considered as personal property; but in case the said corporation shall have any claim or demand against any stockholder thereof, whether such claim or demand is due, or to become due at any future period, such stockholder shall not be entitled to make any transfer, sale or conveyance of his stock in the said corporation, or to receive a dividend thereon, until such claim or demand shall be paid or secured to be paid to the said corporation; and unless such claim or demand shall be paid or secured to be paid in manner aforesaid, within three months after the same shall become due, then such stock of any such debtor, or so much thereof as shall be sufficient for that purpose, may be sold by the said corporation, and the proceeds thereof applied towards the satisfaction of such claims or demands.

Quorum.

IX. *And be it further enacted*, That the major part of the directors of the said corporation shall constitute a board, and be competent to the transaction of all the business of the said corporation; and all questions before them shall be decided by a majority of voices or votes: and they shall have power to appoint committees of directors, and one or more assistants; and also to appoint

Officers.

a secretary, and such other officers, clerks and servants, as they shall deem expedient and proper for the well conducting and transacting their business; and they shall also have power, at such times as to them shall seem meet, to make and declare dividends of such part of the profits resulting from the business of the said

Dividends.

By-laws.

corporation as they shall deem expedient; and shall also have power to make and subscribe such by-laws, rules and regulations as to them shall appear needful and proper respecting the management and disposition of the stock, property, estate and effects of the said corporation, the compensation of wages and the duties, powers and conduct of the officers and servants thereof, the election and meeting of directors, the transfer of shares, the management and conducting of the business of the said corporation, and all matters appertaining thereto, and such by-laws, rules and regulations at their discretion to repeal, alter or modify: *Provided*, That such by-laws, rules or regulations shall not be repugnant to the constitution and laws of this state or of the United States.

Provided.

Seal when
dispensed
with.

X. *And be it further enacted*, That the policies of insurance, and other contracts founded thereon, hereafter to be made or entered into by the said corporation, though not under seal, if subscrib-

ed by the president, or in case of his absence, resignation or inability to act, by such office or officer, person or persons, as may be for that purpose authorised by the act of incorporation, or by the laws of the said corporation, and countersigned by the secretary, shall be binding and obligatory upon the said corporation, and shall have the like force and effect, to all intents and purposes, as if the seal of the said corporation had been or was affixed thereto, and that an action upon the case may be maintained thereon against the said corporation: *And further*, That all such policies or contracts may be so signed and attested, and all the other business of the said corporation may be conducted and carried on by committees, or otherwise, without the presence of a board of directors, and the same shall be binding and obligatory on the said corporation: *Provided*, *Provided* the same be done under and in conformity to the by-laws and ordinances of the said corporation.

XI. *And be it further enacted*, That this act shall continue for the term of thirty years, or until the legislature hereafter, by an act for that purpose, shall limit the duration of the body politic and corporate hereby created; and that the said company shall keep their office for the transaction of business in the city of New-York, to the northeast of Beekman-street, in said city, and not elsewhere.

XII. *And be it further enacted*, That in case any insured named in any policy or contract of insurance made by the said corporation hereby created, shall sell and convey, or assign the subject insured during the period of time for which it is insured, it shall be lawful for such insured to assign and deliver to the purchaser such policy or contract of insurance, and such assignee of insurance shall have all the benefit of such policy or contract of insurance, and may bring and maintain a suit thereon in his own name: *Provided*, That before any loss happens he shall obtain the consent of the insurer to such assignment, and have the same endorsed or annexed to the said policy or insurance.

XIII. *And be it further enacted*, That in case the directors shall at any time deem it expedient to reduce the number of directors, it shall and may be lawful for them so to do: *Provided*, That the board of directors determine on such reduction at least three months previously to the election for directors: *And provided further*, That the number of directors shall not be reduced to a number below sixteen directors.

XIV. *And be it further enacted*, That this act shall be deemed and taken to be a public act, and that the same shall be construed benignly and favorably for every beneficial purpose.

CHAP. CXVI.

AN ACT to incorporate the Orange Fire Insurance Company.

Passed April 7, 1819.

WAEREAS Jacob Powell, John D. Lawson, Samuel R. Betts, John Anderson, junior, Solomon Sleight, and others, have associat-

ed themselves as a company for the purpose of insuring buildings and personal property from loss or damage by fire, and by their petition presented to the legislature have prayed to be incorporated the better to enable them to carry into effect the salutary object of their association : Therefore,

Corporation
created.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly,* That all such persons as now are or hereafter may be associated with them, shall and hereby are declared to be a body corporate and politic, in name and in fact, by style. the name and style of "The Orange Fire Insurance Company ;" and that they and their successors, by such name, shall have power and be capable of suing and being sued, pleading and being impleaded, defending and being defended, answering and being answered unto, in all courts and judicatures whatsoever and where-soever, and also of contracting and being contracted with relative to the purposes and business for which the said corporation is hereby created as hereafter declared ; and the said corporation shall and may have a common seal, and may destroy and renew or alter the same at their pleasure.

Capital stock

II. *And be it further enacted,* That the capital stock of the said company shall be four hundred thousand dollars, to be divided into shares of fifty dollars each ; but it shall nevertheless be lawful for the said corporation when and so soon as two hundred thousand dollars on account of the said capital stock shall have been subscribed, and one-fourth part of the amount of the capital stock hereby created shall be actually paid or satisfactorily secured to be paid, to commence their business ; and with that capital to conduct and carry it on until they shall find it expedient to extend their capital to the amount herein before authorised ; and that it shall be lawful for the directors for the time being to call and demand of the stockholders respectively all such sums of money by them subscribed, at such times and in such proportions, as they shall see fit, under pain of forfeiture of their shares and of all previous payments made thereon to the said company, always however giving sixty days previous notice of such call and demand, in two of the newspapers published in the county of Orange.

Commission-
ers to open
books.

III. *And be it further enacted,* That Jacob Powell, John D. Lawson, Samuel R. Betts, Thomas Lawrence, Charles Borland, junior, and David M. Westcott shall be commissioners, whose duty it shall be on the first Monday of June next, at some proper place in the village of Newburgh, to open books to receive subscriptions to the capital stock of the said corporation ; and public notice shall be given by the said commissioners of the time and place of opening such books, in two of the newspapers printed in the county of Orange, for at least three weeks ; and it shall be the duty of the said commissioners to keep said books open for the space of three days, from ten to three o'clock in each day, and for as many days longer as the commissioners may think proper, and to receive the subscription of all persons inclined to subscribe therein, being citizens of the United States ; and if the number of shares so subscribed shall exceed the amount of capital intended to be employed, then and in that case the said commissioners shall apportion the sum among the several subscribers in proportion to the amount of

their several subscriptions ; and the said commissioners shall be inspectors of the first election of directors of the said insurance company, and shall certify, under their hands, the names of those duly elected, and deliver over to them the subscription book ; and the time and place of holding said first election shall be fixed by the said commissioners, and public notice, for at least two weeks, of the time and place of holding said first election shall be given by the said commissioners as aforesaid, in the newspapers printed in the village of Newburgh ; and the directors so chosen shall hold their offices until the first Tuesday of September, one thousand eight hundred and twenty.

IV. *And be it further enacted*, That the stock, property, affairs ^{Directors} and concerns of the said corporation shall be managed and conducted by thirteen directors, seven of whom shall be sufficient to form a board, one of whom shall be the president thereof, who shall hold their offices for one year, and until others shall be chosen, and no longer ; which directors shall be stockholders, and shall be elected on the first Tuesday in September, in each and every year, at such time of the day, and in such place in the village of Newburgh, as a majority of the directors for the time being shall appoint, of which election public notice shall be given in two of the newspapers printed in the county of Orange, and continued for the space of at least three weeks immediately preceding such election, and such election shall be holden under the inspection of three stockholders, not being directors, to be appointed previous to every election by the directors, and shall be made by ballot by a plurality of the stockholders present, allowing one vote for every share ; and the stockholders not present at such election may vote by proxy : *Provided* the ^{Provided} proxy be derived directly from such stockholders, and the votes be given by citizens of the United States inhabiting in this state.

V. *And be it further enacted*, That the directors so to be chosen shall meet as soon as may be after every election, and shall choose out of their body one person to be president, who shall preside for one year ; and in case of the death, resignation or inability to serve of the president, or any director, such vacancy may be filled for the remainder of the year by the board of directors. ^{President}

VI. *And be it further enacted*, That in case it should at any time happen that an election of directors should not be made on the day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any other day to hold and make an election of directors, in such manner as shall have been regulated by the laws and ordinances of the said corporation. ^{Elections when may be made.}

VII. *And be it further enacted*, That the stock in the said corporation shall be assignable and transferable according to such rules as the president and directors shall make and establish ; and no stockholder indebted to the said company shall be permitted to make a transfer, or receive a dividend, until such debt be paid or secured to be paid to the satisfaction of the president and directors. ^{Stock assignable, &c.}

VIII. *And be it further enacted*, That the president and directors shall have power and authority, in the name and on the behalf ^{Powers of directors.} of the said corporation, to make all kinds of insurance against fire, and insurance upon life or lives, by way of *fontine*, or otherwise,

and generally to do and perform all matters and things relating to the said objects ; and all policies shall be subscribed by the president, or in his absence by an assistant, if any be appointed, or by a president pro-tempore, and countersigned by the secretary ; and shall be binding and obligatory upon the said corporation, in like manner, and with like force, as if under the seal of the said corporation.

Limitation as to holding lands, &c.

IX. And be it further enacted, That the lands, tenements and hereditaments, which it shall be lawful for the said corporation to hold, shall only be such as shall be requisite for its immediate accommodation in relation to the convenient transaction of its business, or such as have been or may be bona fide mortgaged to the said corporation by way of security, or which may be conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which it shall have obtained for such debts ; and with regard to all such lands, tenements and hereditaments, so to be held by the said corporation as aforesaid, except such as may be for its immediate accommodation, or such as it may hold by way of mortgage, and whereof the actual possession shall be in the mortgagors, the said corporation shall, as soon as they can conveniently, sell and convert the same into money, or other personal property.

Secretary and other officers

X. And be it further enacted, That the president and directors for the time being shall have power and authority to appoint and employ a secretary, and such other officers, ministers and servants as they may think proper, for the transaction of the business and concerns of the said corporation, and to allow and pay them such compensation as they shall see fit, and to vary such compensation, and to displace such officers and servants at pleasure, and also to make and establish such by-laws, rules and regulations as they, or a major part of them, shall think expedient for the better management and government of the concerns and officers and servants of the said corporation, so that such by-laws, rules and regulations be not inconsistent with the constitution and laws of this state, or of the United States, and to alter or abolish such by-laws at pleasure.

By-laws.

Dividends.

XI. And be it further enacted, That it shall be the duty of the president and directors, on the first Tuesdays of March and September, in every year, to make a dividend of so much of the profits of the said corporation as to them, or a majority of them, shall appear advisable ; and in case of any loss or losses, whereby the capital stock of the corporation shall be lessened, no subsequent dividend shall be made until a sum equal to such diminution, and arising from the profits of the corporation, shall have been added to the capital.

Restrictions as to trading, &c.

XII. And be it further enacted, That the said corporation shall not directly or indirectly deal or trade in buying or selling any goods, wares, merchandizes or commodities whatsoever, or in buying or selling any stock created by any act of the congress of the United States, or of any particular state, unless in buying the same in order to invest its capital stock or surplus profit, or any part thereof, by way of securing the said capital stock or surplus, or any part thereof, or in selling the same for the payment of its

debts, or to reinvest in other stock when truly pledged to it by way of security for debts due to the said corporation.

XIII. *And be it further enacted*, That it shall not be lawful for the said corporation to issue any notes or bills, or make any contracts for the payment of money, only except the same be under the seal of the corporation; and all such notes, bills and contracts shall be taken and construed to be specialties, and shall not possess any other or greater power of being assigned or transferred than specialties at common law. Seal may be dispensed with and when.

XIV. *And be it further enacted*, That the president may sign any policy or contract, and cause the secretary to attest and sign the same, in such manner as to be valid against and to bind the said corporation, without the presence of a board of directors: *Provided* the same is done under and in conformity to a by-law of the corporation which may have been made and ordained for that purpose. Policies how binding.

XV. *And be it further enacted*, That the duration of the corporation hereby created shall be twenty years, and no longer. Duration of act.

XVI. *And be it further enacted*, That this act shall be deemed and taken to be a public act, and shall be liberally construed to effect the end and purpose hereby intended and contemplated. Public act.

CHAP. CXVII.

AN ACT to authorise the payment of claims for services rendered and supplies furnished the Militia and Volunteers of this State, called into service during the late war.

Passed April 9, 1810,

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the comptroller of this state be and he is authorised to review and audit and settle the accounts which are or may be reported to the legislature, at the present session, by the commissary-general, agreeably to the act of the legislature of the twenty-first day of April, one thousand eight hundred and eighteen, entitled, "an act for the relief of certain volunteers and militia called into service for the defence of the frontiers of the state in the late war, and for other purposes;" and that the treasurer pay, on the warrants of the comptroller, the amount of such accounts as shall be allowed by the said comptroller, not exceeding, in the whole, four thousand dollars.

II. *And be it further enacted*, That it shall be the duty of the commissary-general to examine and audit the accounts for supplies furnished and services rendered by the militia detached into the service of the United States during the late war; and that it shall be the duty of the agent appointed by the governor, under and by virtue of "an act respecting the settlement of the demands of this state against the United States, and for other purposes," passed February 10th, 1818, to present the said accounts to the proper officers

of the government of the United States, and to endeavor to effect the settlement of the same, and to pay over to the proper persons the amount of their respective accounts, as they may be received from the United States.

CHAP. CXVIII.

AN ACT to incorporate the Sodus Bay Bridge Company.

Passed April 9, 1810.

J. Melvin &
others incor-
porated.

Style, &c.

Provido.

Site to be
fixed.

Stock.

Subscriptions

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That* Jonathan Melvin, Jarvis Mudge, Adonijah Church, Byram Green, Norman Sheldon, Daniel Armes, Joseph Fellows and Andrew McNab, and their associates, their successors and assigns, be and they are hereby created a body corporate and politic, by the name and style of the "Sodus Bay Bridge Company," for the purpose of building a bridge over Great Sodus Bay, at or near the route of the Niagara ridge or state road, in the town of Wolcott, and county of Seneca; and they are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, and by that name they and their successors shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and so to remain for the term of twenty years from and after the passing of this act; and that they and their successors may have a common seal, and may change and alter the same at pleasure; and also that they and their successors, by the same name and style, shall be in law capable of purchasing, holding and conveying any estate, real and personal, for the use of the said corporation: *Provided, That* the real estate so to be holden shall be such only as shall be necessary to attain or promote the object of this incorporation.

II. *And be it further enacted, That* Philetus Swift, William Rogers and Garry V. Sackett shall be and they are hereby appointed commissioners to designate the place at which the said bridge shall be erected; and the said commissioners, or a majority of them, shall make return, under their hands, to the clerk of the county of Seneca, of the place to be by the said commissioners, or a majority of them, designated for the building of the said bridge.

III. *And be it further enacted, That* the capital stock of the said company shall not exceed one thousand shares, of ten dollars each; and that the said shares shall be deemed and considered personal estate, and be transferrable.

IV. *And be it further enacted, That* Obadiah Adams, Gardner Mudge, Evan Griffiths, Byram Green, William S. Dezeng, and Andrew McNab, be and they are hereby appointed commissioners to do and perform the several duties herein after mentioned, that is to say: they shall on or before the first day of January

next, procure six books, and in each of them enter as follows :
 " We, whose names are hereunto subscribed, do for ourselves and our legal representatives, promise to pay to the president, directors and company of the Sodus bay bridge company, the sum of ten dollars for every share of stock in the said company set opposite to our respective names, in such manner and proportion, and at such time and place as shall be determined by the president and directors of said company : " and one of the said books shall be left with each of the commissioners at their respective places of abode ; who shall keep the same open for the purpose of receiving subscriptions ; and every subscriber, at the time of subscribing, shall pay unto either of the said commissioners, the sum of one dollar for each share so subscribed ; and the said commissioners shall, as soon as five hundred shares shall have been subscribed, cause an advertisement to be inserted in one of the newspapers printed in the county of Seneca, giving at least three weeks notice of the time and place the said subscribers shall meet, for the purpose of choosing five directors, who shall be stockholders, for the poses of managing the concerns of said company for one year ; and the day for choosing the said directors shall for ever thereafter be the anniversary day of choosing said directors, unless otherwise directed by the by-laws of the company, of which the like notice as before prescribed, shall be given ; and all such elections shall be by ballot, and each stockholder shall be entitled to one vote for each share of the stock of the said company, which he or she may hold in his or her name ; which votes may be given either in person or by proxy ; and the said directors, elected by a plurality of votes as aforesaid, shall continue in office for one year, and until others are chosen in their stead ; and any three of the said directors shall form a quorum, and be capable of transacting the business of said company ; and every act of the majority of said directors so met, shall be binding on the said company : and when the directors shall have chosen their president, as hereinafter mentioned, the said commissioners shall forthwith deliver him the books of subscription, and the money received thereon.

V. *And be it further enacted*, That the directors of said company shall, immediately after their election, proceed to choose one of their number for their president, one of their number for their treasurer, and another of their number for their secretary ; and the said president and directors may meet from time to time, and at such times and places as they shall think proper ; and shall have power to make such by-laws, rules, orders and regulations, not inconsistent with the constitution or laws of this state, or of the United States, as they shall deem necessary for the well ordering the affairs of the said company ; and shall also have power to make by-laws prescribing the time and place for choosing directors for the said company ; and the said president and directors may continue to receive subscriptions to the stock of the said company, until there shall be one thousand shares subscribed ; and it shall and may be lawful for them, from time to time, to call for and demand from the stockholders respectively, such parts of the said sum of ten dollars upon each of the shares held by them respectively, as to the said president and directors may appear

President,
treasurer and
secretary.

By-laws.

Vacancies
how filled.

proper ; and, upon such refusal or neglect to make such payments or any of them, either to sue for the same in any court having cognizance thereof, or to cause such shares, and all payments thereon, previously made, to be forfeited to the said company ; and the said president and directors shall have power to appoint such agents, workmen, toll-gatherers, and assistants, under them, as shall be necessary for executing the business of the said company ; and in case any of the said directors, or other officers, shall die, resign, remove out of this state, or cease to be a stockholder, it shall be competent and lawful for the remaining directors to elect from among the stockholders, other officers to supply the vacancy until the next succeeding anniversary or general election ; and in the absence of the president, a quorum of the directors met, may choose or appoint a president pro tempore, and thereupon proceed to transact the business of the said company, as if the president were present ; and the said president and directors, their agents, workmen, or other persons employed by them, shall and may enter upon, and take possession of the lands on each side of the said Sodus bay, at or near Sheldon's ferry, in Port Glasgow, where the said directors shall determine to build the bridge hereby authorised to be erected ; and in case such land, so to be entered upon, shall not be part of the highway, the said company shall, before taking possession of any such land, and on receiving a conveyance of the same, pay the owner or owners thereof, the value of so much of the land, not being a highway, as may be necessary for making said bridge, and for erecting a gate, toll-house, and all other works to the said bridge belonging : and in case of disagreement between the parties as to such value, the same shall and may be ascertained and determined by three indifferent sworn freeholders of the county in which such land shall be, who shall be appointed for that purpose by a court of common pleas, to be held in and for the same county, on application from the said president and directors for such appointment ; and the said president and directors shall, at least ten days before such annual election for directors, lodge in the hands of the treasurer, for the inspection and examination of the stockholders, a general statement of the accounts and proceedings of said president and directors.

Dimensions
of the bridge.

VI. *And be it further enacted*, That the said bridge shall be built at least twenty feet wide, and be well covered with plank not less than two inches thick ; the sides of the said bridge to be well secured with railings not less than four feet high ; and shall be so constructed that at least two openings of not less than thirty-three feet each, between the piers, abutments, or supporters, sustaining the bridge, shall be left for the passage of boats and rafts, in or near the middle of the channel ; and the said bridge shall be erected, built and completed within five years from and after the passing of this act ; and in case the said bridge shall not be erected, built and completed in manner, and within the time above specified ; or in case the said bridge, after the same shall have been completed, shall at any time be impassable for the term of ninety days, then, and in either of these cases, the corporation created by this act shall cease, and be considered as dissolved : *Provided nevertheless*, That no such dissolution of the said corporation shall

Proviso.

take place, if the said bridge shall be carried away, thrown down, or destroyed, by any unavoidable accident, in case the same shall be rebuilt within three years after the same shall be so carried away.

VII. *And be it further enacted*, That as soon as the said bridge shall be finished and completed, and the judges of the court of common pleas in and for the county of Seneca, or any two of them, shall, upon inspection, certify under their hands, that the said bridge is well and sufficiently constructed and built, and will admit of the passage of teams and loaded carriages, it shall and may be lawful for the said president and directors to erect a gate at either end of the said bridge, and to demand, receive, and take for the use of said corporation, a toll not exceeding the following rates, to wit : For every four wheeled pleasure carriage and two horses, twenty-five cents, and for every additional horse in such carriage, six cents ; for every two wheeled pleasure carriage, with one horse, twelve and an half cents, and for every additional horse, six cents ; for every stage waggon or stage sleigh, with four horses, twenty-five cents ; for every cart, waggon, sled or sleigh, with one horse or other beast, nine cents, and for every additional horse or other beast, six cents ; for every score of horses, mules, asses, or neat cattle, forty cents, and so in proportion for a greater or less number ; for every score of sheep or hogs, ten cents, and so in proportion for a greater or less number ; for every man and horse, six cents ; for every footman or single passenger, three cents.

VIII. *And be it further enacted*, That if any person or persons shall wilfully do, or cause to be done, any illegal act whatsoever, whereby the said bridge or any thing appertaining to the same, shall be impaired, weakened or injured, every person so offending, shall forfeit and pay to the said company, treble the amount of damages sustained by means of such offence or injury : and if any person or persons shall forcibly pass the gate to be erected on said bridge, in pursuance of this act, without having paid the legal toll, or shall ride or drive any horse or team on the said bridge faster than on a walk, such person or persons shall forfeit and pay for each offence, a fine not exceeding ten dollars, nor less than one dollar ; and all such fines and forfeitures shall be recovered by said company with costs of suit, in an action of debt, in the name of the treasurer of the corporation, and for their use, in any court having cognizance thereof, which action shall, in every instance, be considered transitory in its nature.

IX. *And be it further enacted*, That it shall be the duty of the said corporation, to cause to be affixed, in a conspicuous place over the gate, a printed list of the rates of toll, and in default thereof, the corporation shall be subject to a penalty of two dollars for every forty-eight hours in which the said printed list shall not be affixed, to be sued for and recovered by any person who shall prosecute for the same, in his own name, before any justice of the peace in the said county of Seneca.

X. *And be it further enacted*, That if any toll gatherer shall unreasonably detain or hinder any traveller or passenger, at the said gate, or shall demand and receive more toll than is by this act established and allowed, he shall, for every such offence, forfeit

Tolls.

Penalty for
injuring the
bridge.

Rates of toll
to be put up.

Penalty for
detaining
travellers.

and pay the sum of ten dollars, to be sued for and recovered before any justice of the peace in the said county of Seneca, for the sole use of the person or persons so unreasonably delayed, hindered, or defrauded.

Ferrier prohibited.

XI. *And be it further enacted*, That during the existence of the said corporation, it shall not be lawful for any person or persons to erect any bridge, or keep any public ferry across the said Sodus bay, within half a mile of the bridge to be erected by this corporation, after it shall be completed; and that any bridge to be erected, or public ferry kept, contrary to the above provision of this act, shall be considered a public nuisance, and as such may be abated.

Public act.

XII. *And be it further enacted*, That this act shall continue in force twenty years, and no longer; and that it shall be and is hereby declared to be a public act, and shall be benignly and favourably construed for all the beneficial purposes herein intended.

CHAP. CXIX.

AN ACT to provide for the Inspection of Hops.

Passed April 9, 1819.

Inspectors to be appointed

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the person administering the government of this state, by and with the advice and consent of the council of appointment, shall, from time to time, appoint an inspector of hops in each of the cities of New-York and Albany; each of whom, before he enters upon the execution of his office, shall take and subscribe the following oath or affirmation, before the mayor or recorder of each of the said cities respectively, to wit: "I do solemnly swear (or affirm) that I will faithfully, truly, and impartially, to the best of my judgment, skill and understanding, execute, do and perform the office and duty of an inspector and examiner of hops, according to law; and that I will not, directly or indirectly, by myself or any other person or persons for me, buy or sell any hops during the time I continue inspector of the same, upon my own account, or upon the account of any other person or persons whomsoever, so help me God."

Oath.

Stores to be provided.

II. *And be it further enacted*, That the inspectors to be appointed, by virtue of this act, shall provide themselves with good and sufficient stores, or warehouses, capable of receiving, and proper for storing such hops as may be brought to them for inspection, in such places as will be most convenient to their employers, and best calculated to facilitate their business; but nothing shall be charged or allowed for storage of any hops inspected by them, if removed within three days after notice of such inspection is given.

Hops not to be shipped, unless inspected.

III. *And be it further enacted*, That no person or persons whatsoever shall ship for exportation, from this state, any hops, before he or they shall first submit the same to the view and examination of one of the said inspectors, whose duty it shall be

carefully to examine and inspect all hops which may be brought to him for that purpose, and to sort the same in three different sorts, if necessary ; and the said inspector shall put each sort by itself into bags, and shall distinguish the hops by him inspected by the words, " Hops first sort ;" " Hops second sort ;" and, " refuse Hops ;" marked or painted in plain legible letters, together with the letters of his name, and the place where, and the time when, such hops are so inspected, in words and figures at full length, on each of the bags ; which said bags shall contain not less than one hundred and fifty, nor more than four hundred pounds of hops ; and such inspector shall also weigh the same, and mark or paint on each bag, the gross weight thereof, and shall deliver to the owner or owners an invoice or weigh note under his hand, of the weight of each bag of hops by him so inspected as aforesaid ; in which invoice or weight note, he shall distinguish the said hops in the manner herein before directed, and not in any other way, or by any other denomination ; for which services the said inspectors shall have and receive fifty cents for every hundred weight of hops so inspected, one half to be paid by the purchaser and the other half by the vender : *Provided always, and be it further enacted,* That it shall not be lawful, for either of the said inspectors to inspect any hops, until he shall receive satisfactory proof that the same have been bagged for at least ten days previous to their inspection.

IV. *And be it further enacted,* That if any person shall inter-mix with hops, any foreign or improper substance, whereby the quality of the said hops shall be prejudiced or reduced, and be thereof duly convicted, every such person shall forfeit the sum of twenty dollars for every such offence, to be recovered in an action of debt, in any court having cognizance thereof ; the one moiety to the use of the people of this state, and the other to the benefit of such person as shall prosecute therefor.

Penalty for mixing, &c. hops.

V. *And be it further enacted,* That every person who shall put up any hops for sale or exportation, shall mark, paint or impress, in a distinguishable manner, upon each bag of hops put up by him for sale as aforesaid, the initial letter or letters of his christian name and surname at full length, before the removal of such bag from the place where the hops shall be put up as aforesaid, under the penalty of five dollars on every bag so removed without being marked as aforesaid, to be recovered and applied as in the foregoing clause is provided.

Bags to be marked.

VI. *And be it further enacted,* That hops inspected in the city of Albany, may be shipped for exportation, or may be vend-ed or disposed of in the city of New-York, and from thence shipped for exportation out of this state, without any further or other inspection in the said city of New-York.

Hops inspected, may be exported.

VII. *And be it further enacted,* That when any inspector shall, on examination of any hops submitted to him for inspection, discover any fraud by the intermixture of any foreign or improper substance therewith, then and in such case it shall be the duty of the said inspectors to mark the bag containing such adulterated hops, with the word, " condemned ;" and the inspector shall be entitled to receive from the person owning or presenting such hops

Fraud punished.

for inspection, the same compensation as if they had been good ; and if any person shall offer or expose for sale any hops so condemned as aforesaid, for any other than condemned hops, he shall forfeit the sum of twenty-five dollars for every bag so exposed for sale ; to be recovered by any person who will sue for the same, before any court having cognizance thereof, the one half to the use of the poor of the said city or town where such recovery shall be had, and the other half to the use of the person who shall prosecute for the same to effect.

Power of inspectors.

VIII. *And be it further enacted*, That every inspector appointed in virtue of this act, shall have full power and authority, by virtue of this act, and without further or other warrant, to enter on board of any ship or vessel whatsoever, lying or being in the harbour where such inspector is authorised to inspect hops, to search for any hops shipped or shipping on board any such vessel for exportation out of this state, and if such inspector shall, on search, discover any bag of hops, not marked as herein before directed, the person so shipping or having shipped the same, shall forfeit every such bag or bags so shipped or shipping, and not marked in the manner herein before directed ; and the master or commander of any such vessel, who shall receive any such bag or bags of hops, not marked as aforesaid, shall forfeit the sum of ten dollars ; and if any master of any ship or vessel, or any of his servants or seamen, shall obstruct or hinder the said inspector in making such search as aforesaid, every person offending shall, for such offence, forfeit the sum of twenty-five dollars.

Neglect of duty punished.

IX. *And be it further enacted*, That if any inspector aforesaid, when not employed in the duties of his said office, shall, on application to him to examine any hops, or the proof in relation to the time the same were bagged, refuse or delay to proceed to the examination of such proof for three hours after the same shall be offered to him, or shall refuse or delay to proceed to the inspection of the said hops for three hours, after it shall appear to him that the same have been bagged for at least ten days previous to the time of their being so offered for inspection as aforesaid, every such inspector shall, for each offence, forfeit two dollars and fifty cents, for the use of the person so delayed.

Penalty for counterfeiting, &c. mark.

X. *And be it further enacted*, That if any person shall counterfeit any of the marks aforesaid of the said inspectors, or impress, paint, or mark the same on any bag of hops, knowing such mark to be counterfeit ; or if any person shall empty any bag of hops marked as aforesaid, in order to put in other hops for sale or exportation, without first erasing the said marks, every such person, being thereof legally convicted, shall for such offence forfeit and pay the sum of one hundred dollars.

From how recovered.

XI. *And be it further enacted*, That all fines and forfeitures aforesaid shall be recovered in the same manner as other debts of the same value recoverable by action of debt, or by information, the one moiety thereof, when recovered, except the same are herein otherwise applied, to the use of the person suing for the same, and the other moiety to the use of the poor of the city or town where the offence shall be committed.

XII. *And be it further enacted*, That whenever any hops shall be stored with any inspector of hops, for inspection or otherwise, and shall not be claimed or demanded by the owner or owners thereof within two years from the time the same have been inspected, it shall be lawful for the said inspector, in his discretion, to sell and dispose of the same at public auction, first giving two months public notice in one newspaper printed in the city of New-York, and in the newspaper printed by the printer of this state, at Albany, describing, as nearly as may be, the marks on the bags containing the said hops; and the proceeds of such sale, after deducting all costs, charges and expenses, and all claims of the said inspector, shall be paid into the treasury of this state for the benefit of the owner, who shall be entitled to receive the same on furnishing satisfactory proof of such ownership to the comptroller.

Hops not claimed in 2 years, to be sold.

CHAP. CXX.

AN ACT for the further Improvement of the Navigation of the River Hudson, between the city of Troy and the city of Albany.

Passed April 9, 1819.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the mayor, recorder, aldermen and commonalty of the city of Troy, as commissioners for improving the navigation of the river Hudson, between the city of Troy and the city of Albany, for the further improvement of the same navigation, to build, erect, place, keep, and maintain a good and permanent dam in the same river, to run from the island commonly called "Fish-house Island," to the east shore of said river, every way sufficient to prevent the waters of the same river from passing and running between the same island and said east shore, at the usual low water of summer; and to defray the expense of erecting the same dam out of monies in their hands granted for improving the navigation of said river between Troy and Albany.

CHAP. CXXI.

AN ACT to incorporate the Corinth and Tully Turnpike Company.

Passed April 9, 1819.

I. Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That William H. Sabin, Job Tyler, John Van Pelt, and such other persons as shall associate for the purpose of making a good and sufficient turnpike road from the great western canal, in the village of Corinth, near the house of Sterling Cassit, in the town of Salina, in the county of

W. H. Sabin and others, incorporated.

Style.

Onondaga, southerly through the valley of the Onondaga creek, on the best and most convenient route, having reference to the fitness of ground, convenience and distance to the Hamilton and Skeneatles turnpike road, near the house of Nicoll Howell, in the town of Tully, in said county; be, and are hereby created, a body politic and corporate, for that purpose, by the name of "The president and directors of the Corinth and Tully turnpike road company;" and by that name they and their successors shall have perpetual succession, with power to sue and be sued, implead and be impleaded; and to have a common seal, and to alter the same at their pleasure; and the said corporation is hereby made capable of holding such real estate as may be necessary to fulfil the end and intent of such corporation as a turnpike and no other.

Directors.

II. *And be it further enacted*, That the number of directors for managing the concerns of the said company, shall be seven, four of whom shall be a quorum, capable of transacting the business and concerns of the said company; and that the said company shall enjoy all the rights, privileges, powers and immunities, which are granted in and by the several acts relative to turnpike companies; and shall be subject to all the conditions, provisions, restrictions and regulations, contained in the same, except when the same are contrary to the provisions of this act.

Stock.

III. *And be it further enacted*, That the stock of the said company shall consist of sixteen hundred shares, of twenty-five dollars each; and that Nicoll Howell, Job Tyler, and William H. Sabin, be, and are hereby appointed, commissioners to receive subscriptions for the said stock, in the manner directed in and by the said acts.

Toll.

IV. *And be it further enacted*, That it shall be lawful for the said company, whenever and so often as any ten miles of the said road to be laid out, by virtue of this act, shall be completed in manner directed by law, to erect turnpike gates on the same; and the said company shall be entitled to exact and receive of and from every person travelling or using the road, at the gates or turnpikes to be erected thereon, for the distance of ten miles, and in like proportion for any less distance, the following sums of money, that is to say: For every cart, waggon, or other wheeled carriage, drawn by two horses, mules or oxen, twelve and an half cents, for every additional horse, mule or ox, three cents; for every coach, coachee, phaeton or curricule, with two horses, twenty-five cents, for every additional horse, six cents; for every sulkey, chair, chaise, or other one horse pleasure carriage, twelve and an half cents, for every addition horse, six cents; for every one horse cart or waggon, six cents; for every horse, rode or led, four cents; for every sleigh or sled, drawn by two horses, mules or oxen, six cents, for every additional horse, mule or ox, two cents; for every sleigh or sled, drawn by one horse, mule or ox, four cents; for every score of horses, mules or cattle, twenty cents, and in like proportion for any greater or less number; for every score of sheep or hogs, six cents, and in like proportion for a greater or less number: *Provided nevertheless*, That no gate shall be erected nearer than two miles and an half of the village of Corinth, nor nearer than five miles from any other gate on the said road.

Proviso.

CHAP. CXXII.

AN ACT to enable the trustees of the Montgomery Academy to erect a new building.

Passed April 9, 1819.

I. BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the quit-rents, including the commutation for future quit-rents, on the patent for six thousand acres of land, granted the twenty-eighth day of February, in the year of our Lord one thousand seven hundred and sixteen, to Alexander Baird and others; the patent for seven thousand acres, granted the seventeenth day of October, in the year of our Lord one thousand seven hundred and twenty, to Jacobus Kipp and others; the patent for two thousand acres, granted the second day of March, in the year of our Lord one thousand seven hundred and thirty-one, to James Wallace; the patent for four thousand acres, granted the twenty-sixth day of September, in the year of our Lord one thousand seven hundred and fifty, to George Murray; be and the same are hereby wholly granted to the trustees of the Montgomery academy; and it shall be lawful for the said trustees, under the direction of the comptroller, to retain any portion or all of the quit-rents, and commutation of quit-rents, on the said patents, from the said persons liable to pay the same, and grant discharges therefor; and the said trustees shall, in all cases in which they may so receive quit-rents and commutation, certify the same to the comptroller, in order that the lands charged therewith may be discharged in the books in his office.

II. And be it further enacted, That if any part of the quit-rents on said patents shall remain unpaid by the first day of May, one thousand eight hundred and twenty, it shall be the duty of the comptroller, upon the certificate of the trustees, under their corporate seal, stating the amount remaining unpaid, and the land upon which the same remains due, forthwith to advertise and sell the said lands, in manner required by law, and to pay the quit-rents, which may be received or collected on the said patents, to the said trustees.

III. And be it further enacted, That if any assessment and collection of the quit-rents, on any of the said patents shall be made in the manner prescribed in and by the act entitled, "an act further to amend an act entitled, 'an act concerning quit-rents'," passed April 5th, 1817, the collector or collectors, who shall collect any such quit-rents, shall and may pay over the same to the trustees aforesaid, and thereupon transmit a statement to the comptroller, shewing the several sums received by him or them, from whom, and the lands upon which paid, and the sum or sums paid to the said trustees.

CHAP. CXXIII.

AN ACT to enable the First Baptist Society in the city of Albany to sell a certain lot of land therein mentioned.

Passed April 9, 1819.

WHEREAS the first Baptist society in the city of Albany have, by their petition, applied to the legislature to be authorised to sell a certain lot of land for the benefit of the said society, and it appearing reasonable that the prayer of the said petition should be granted : Therefore,

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall be lawful for the trustees of the said society to sell, dispose of and convey, in fee simple, all that certain lot of land, situate, lying and being in Steuben, Columbia and Lodge-streets, in the city of Albany, and conveyed to them by the mayor, aldermen and commonalty of the said city, and to apply the proceeds of the said sale to the use and benefit of the said society.

CHAP. CXXIV.

AN ACT to aid the erection of places of Worship at the quarantine ground on Staten-Island.

Passed April 9, 1819.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That it shall and may be lawful for the health commissioners, in the city of New-York, and they are hereby required to pay to the trustees of a reformed protestant Dutch church, whenever the same shall be incorporated, at or near the public quarantine ground on Staten-Island, the sum of one thousand dollars ; and to the rector, wardens and vestrymen of St. Andrew's church on Staten-Island, the sum of one thousand dollars, in equal portions to each, on demand, out of any unappropriated money in their hands ; and shall, at the time of paying the same, require such security, on bond, to the people of this state, as they may deem sufficient, conditioned for the faithful application of each of the said sums of money towards the erection and completion, within three years from the time of making such payment, a church, on a lot granted to each of the said churches by Daniel D. Tompkins, Esquire ; and the comptroller is hereby authorised and required to allow to the said commissioners credit for the said sums of money, on filing with him the bonds of the trustees and rector, wardens and vestrymen aforesaid.

II. *And be it further enacted,* That it shall be the duty of the trustees, and of the rector, wardens and vestrymen aforesaid, and the trustees of the reformed Dutch church, to account with the comptroller for the expenditure and application of the said sums of money within the time above limited.

III. *And be it further enacted*, That the sum above appropriated shall not be paid until the state hospital, now erecting at the quarantine, on Staten-Island, shall be completed, and the cost thereof paid out of the funds in the hands of the health commissioners.

CHAP. CXXV.

AN ACT to incorporate an Aqueduct Association, in the town of Schoharie, in the county of Schoharie.

Passed April 9, 1819.

WHEREAS Jabez W. Throop, and divers other persons, have ^{Preamble.} associated with intent to supply the village of Schoharie with good and wholesome water : Therefore,

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Jabez W. Throop, William W. Enders, John Bouck, Benjamin Miles, Chester Lasell, Abraham Keyser, junior, John Lawyer, and such other persons as now are or hereafter may become interested in the association formed for supplying the said village with water, by means of conduits or aqueducts, shall be and hereby are created a body politic and corporate, in fact and in name, by the name of the "Cold-^{Style, &c.} spring Aqueduct Association ;" and by that name shall be capable in law to sue and be sued, plead and be impleaded, in any court whatsoever, in all actions and matters whatsoever ; to have a common seal, and to change or alter the same at pleasure ; to purchase, take, hold and convey any estate, real or personal : *Pro-* ^{Provido.} *vided* such real estate be necessary to effect the object of the incorporation, and do not exceed in value, at the time of acquiring the same, three thousand dollars.

II. *And be it further enacted*, That it shall be lawful for any ^{Directors to be chosen.} three of the said persons, before mentioned, to be associated, or such others as with them shall associate, to convene the said members of the said corporation at some proper and convenient place in the said village, first giving six days previous notice, in writing, of the time and place, to be put up in two of the most public places in the said village ; and such of the members of the said corporation, being at least a majority of the whole number thereof, as shall so convene, shall and are hereby authorised, by a vote of the majority present, to elect three directors from the said corporation, who shall hold their office for one year ; and also to appoint such other officer and officers, agent and agents, as they may deem necessary to carry into effect the objects of the said incorporation ; which said officer and officers, agent and agents, shall hold their office during such time as the members of the said incorporation, being a majority of any legal meeting, shall ordain and establish ; to make and ordain all such by-laws, rules and regulations for the superintendence, regulation and management of the said corporation, and for the equal assessment and collection of taxes amongst the members thereof, in proportion to their respective rights and

interests therein, as they may deem necessary and proper ; to impose penalties for the violation of the said by-laws, rules and regulations, and further to institute such suits in the name of the said corporation, for the recovery of damages, debts or sums of money which may arise or accrue to the said corporation, or any penalty imposed as aforesaid : *Provided*, That no such penalty to be imposed, or any of the by-laws or ordinances of the said corporation to be made, be contrary to the laws of this state, or of the United States.

Lands may be entered on.

III. *And be it further enacted*, That it shall be lawful for the said corporation, or any person or persons employed by them, or acting under their authority, to enter into and upon, and make use of any land, and also to make use of any brook, stream, spring, outlet, or run of water which they shall deem necessary for the purpose of conducting a plentiful supply of good and wholesome water to and through the said village, and to agree with any owner or owners of any lands, tenements or hereditaments that may be damaged or affected by any of the said operations, for and about a reasonable compensation to be made to him, her or them, or any of them, for such lands, tenements or hereditaments, or the use thereof, as may be used or occupied for the purposes aforesaid, or for any damages which he, she or they may sustain in the using of any such lands for the said operations ; but in case of disagreement to be settled and determined by any three discreet and reputable freeholders of the town of Schoharie, to be chosen and agreed upon by the parties ; and in cases of refusal or neglect, by either party, to nominate or appoint them, then to be nominated and appointed by any judge of the court of common pleas for the county of Schoharie, not interested in the premises, or a member of the said corporation, at the request of either party ; and upon their determining the same, the said company shall pay to the said owners respectively the sums reported, under their hands, in full compensation for the same.

Penalties.

IV. *And be it further enacted*, That if any person or persons shall wilfully and maliciously do or cause to be done any act whatsoever, whereby the said conduits, penstocks or aqueducts shall be impaired or injured, the person or persons so offending shall pay a fine of five dollars, to the use of said corporation, besides the amount of damages sustained by means of such offence, to be sued for and recovered, in an action of debt, with costs of suit, in the name of the said corporation, in any court having cognizance thereof.

Water not to be used without permit.

V. *And be it further enacted*, That it shall not be lawful for any person or persons to draw, take, use or carry away any water, at or from any of the penstocks, conduits or aqueducts belonging to the said corporation without a written permit from the agent or superintendant of said corporation, excepting such person or persons as belong to said corporation ; and if any person or persons shall draw, take, use or carry away any water, at or from any of the penstocks, conduits or aqueducts belonging to said corporation, except such person or persons as belong to said corporation, without such permit as aforesaid, he or they shall pay a fine of fifty cents, to the use of the said corporation, for each and every offence,

to be sued for and recovered, in an action of debt, with costs of suit, in the name of said corporation, in any court having cognizance thereof.

VI. *And be it further enacted*, That if any of the aqueducts, ^{Repairs.} conduits or penstocks belonging to said corporation, shall become impaired, decayed, or otherwise out of order, it shall and may be lawful for the agent or superintendant appointed by said corporation, to go on, repair, and put in order, all such part or parts of said aqueducts, conduits or penstocks, and keep an account, and make a bill, of the expense of such repairs, the amount of which shall be equally divided among and paid by the persons belonging to the said corporation; and if any person or persons belonging to said corporation shall neglect or refuse to pay his or their share or proportion of such expense as aforesaid, the same shall be sued for and recovered, in the name of the agent or superintendant, with costs of suit, in any court having cognizance thereof.

VII. *And be it further enacted*, That if any person having a ^{Penalty for} penstock in his or her yard shall suffer or permit the water to run ^{wasting water} away unnecessarily, or waste, so as to hinder or prevent others from getting a full supply of water at any other penstock, he, she or they, so offending, shall pay a fine of fifty cents for each and every offence, to the use of said corporation, to be sued for and recovered, in an action of debt, with costs of suit, in the name of the agent or superintendant of said corporation, in any court having cognizance thereof.

CHAP. CXXVI.

AN ACT to incorporate the West Kill Turnpike Company.

Passed April 9, 1819.

1. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That all such persons who shall associate for the purpose of constructing a turnpike, extending from the Mountain turnpike, near the junction of West Kill and Mill creek, in the town of Blenheim, in the county of Schoharie, to the forks of the West Kill, in the town of Jefferson, in the said county of Schoharie, in the route in which the existing road has been laid out, and thence to the Charlotte river turnpike, in the most commodious direction, to be determined by the president and directors of the said company, elected at the first election thereof, shall be and the same are hereby constituted a body politic and corporate, with a capital stock of twelve thousand dollars, by the name of the "West Kill Turnpike Company;" that Lewis J. ^{Style.} Patchin, Jacob Southerland, Bernard Shelmantine and Joseph L. Burnet, shall be and hereby are respectively appointed commissioners to receive subscriptions for the said turnpike; that the said ^{Subscriptions} commissioners shall, previous to opening such subscription, cause notices to be published in three public places, on the route of the said road, requiring the contributors to the existing road to exhibit

to them, at a time and place to be in the said notice described, an account of the monies respectively contributed to the laying out, opening and forming the said road at any time within four years last past; that the said commissioners, or any three of them, shall thereupon proceed to examine and definitively ascertain the sums so expended by each of the said contributors, and enter their names, and the amount of their respective contributions, in each of the books of the said commissioners, or of such of them as shall ascertain the amount of contributions as aforesaid; that the persons having so contributed may, in their election, be credited, on each share they shall so subscribe, five dollars of the amount of their respective contributions, in satisfaction of the money to be paid on making such subscription, and the remainder, if any, after ten dollars shall have been paid on each share; that if any contributor shall not subscribe and apply for such credit within three months after such subscription shall have been opened, such omission to subscribe shall be deemed an extinguishment of his or her claim to a compensation for such contribution; that the number of directors of the said company shall be five, three of whom shall constitute a quorum; that the president and directors of the said company may, in their discretion, change the direction of the said turnpike, so as to lead it round any of the hills over which the existing road is now laid out; that none of the towns through which the said turnpike shall pass shall be entitled to receive compensation for any of the roads covered by the said turnpike, and that the said turnpike shall not be required to be bedded beyond the breadth of twenty feet.

Privileges, &c

II. *And be it further enacted*, That all and singular the rights, privileges and immunities, granted in and by the act relative to turnpike companies, and not altered by this act, and all and singular the duties imposed upon turnpike companies in and by the said act, shall be vested in and performed by the said turnpike company hereby incorporated; and that when the said turnpike shall have been completed and licensed in the manner in the said act prescribed, it shall and may be lawful for the president and directors of the said company to erect a toll gate within one mile of the middle of the said turnpike, measured from the extremities

Tolls thereof, and thereat to exact and receive the following tolls: for every score of hogs or sheep, six cents; for every score of cattle, horses or mules, fifteen cents; for every chair, sulkey or chaise, with one horse, nine cents; for every horse led or driven, three cents; for every chariot, coachee or phaeton, eighteen cents; for every cart or waggon, drawn by one horse, five cents; for every stage waggon, or other four wheeled carriage, drawn by two horses, mules or oxen, twelve and an half cents; for every additional horse, mule or ox, three cents; for every sleigh or sled, drawn by one horse, mule or ox, three cents; if drawn by two, six cents; and three cents for every additional horse, mule or ox.

CHAP. CXXVII.

AN ACT to amend the act entitled, "an act to regulate Highways."

Passed April 9, 1819.

WHEREAS by the thirty-seventh section of the said act to Preamble.
regulate highways, it is provided that no roads which have been
fixed by the decision of the judges, on appeal to them from the de-
cision of the commissioners, shall be taken up or altered but by
order of the same judges, if they continue in commission, or such
of them as do continue in commission, joined with such other judge
or judges as will make three: *And whereas* cases may exist in
which no one of the judges who had so fixed any road, on such ap-
plication, is in commission as judge of the court of common pleas,
in consequence whereof doubts have arisen whether there is any
authority for any of the judges of the said court, for the time be-
ing, to act in the premises: Therefore,

I. *BE it enacted by the people of the State of New-York,* Judges for the time being may alter roads.
represented in Senate and Assembly, That whenever any road
may have been or shall be laid out or altered by any of the judges
of any court of common pleas, in pursuance of the thirty-seventh
section of the act hereby amended, and it shall so happen that no
one of the said judges shall be or continue in commission, it shall
and may be lawful for any person or persons, who desire to have
such road to be altered or discontinued, to call upon any of the
judges, for the time being, of the court of common pleas of the
county where such road shall be situated, to view the same, and
decide in the premises; and it shall be in the power of the said
judges, or a majority of them, to discontinue or alter any such
road, in the same manner, and to the like effect, as is provided by
the thirty-seventh section of the act hereby amended: *Provided,* Proviso.
That such judge, or judges, shall not have any special interest in
the road so desired to be altered or discontinued.

II. *And be it further enacted,* That it shall be lawful for the
commissioners of highways, in any town in the county of Dela-
ware, to assess any saw mill situated on or near any road district,
in such town, to which logs are usually drawn to the damage of the
road or bridges in such district, any number of days work suffi-
cient, in their judgment, to repair the damages done by such draw-
ing for the twelve last preceding months; and the overseers of
highways in such road district shall give to the owner or occupant
of said mill, if residing in the said district, the like notice or warn-
ing as in other cases; and if neither of them reside therein, he
shall cause to be affixed, in some conspicuous place in, on or about
said mill, a written notice or warning, giving at least six days pre-
vious notice of the time and place, and the number of days requir-
ed by the same to be worked or commuted for on said road; and
in case of default, the said overseer shall make the like complaint
to a justice of the peace, as in other cases; and the said justice
shall issue his warrant, as in other cases, and in addition thereto
may require the constable to levy the fine by him imposed on any

goods and chattels in and about and appurtenant to said mill; and if any logs, plank, boards or scantling, shall be so taken and sold, belonging to any person other than the owner or occupant of such mill, the owner or owners thereof may have and maintain his action against the owner or occupant to recover the value thereof, with costs,

CHAP. CXXVIII.

AN ACT to divide the town of Saratoga, in the county of Saratoga.

Passed April 9, 1819.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly,* That from and after the last day of February next, all that part of the town of Saratoga lying west of a line beginning at a point where the Kayaderosseras creek intersects the boundary line of the said town of Saratoga at the centre of said creek, and running thence along the centre of said creek, and through the centre of Saratoga lake and Fish creek until it strikes a point on the east side of Fish creek two rods above Stafford's bridge, running thence so as to include said bridge and a piece of land four rods wide, to a point two rods below said bridge, thence running a due north course to the north bounds of the said town of Saratoga, shall be erected into a separate town by the name of Saratoga Springs; and that the first town meeting shall be holden at the dwelling-house of Andrews and Putnam, in said town; and that the remaining part of the said town of Saratoga shall be and remain a separate town by the name of Saratoga; and the first town meeting shall be holden at the dwelling-house of James Brisbin, junior, Esquire, in said town.

II. *And be it further enacted,* That as soon as may be after the first town meeting, the supervisors, and overseers of the poor, of the said towns respectively, on notice to be given by the supervisors thereof, shall meet together and apportion the poor, and the poor money, belonging to the said town of Saratoga previous to the division thereof, agreeable to the last tax list; and that each of the said towns shall thereafter respectively maintain and support their own poor.

III. *And be it further enacted,* That in case any damages, costs or expenses shall hereafter be brought or adjudged against the said town of Saratoga, in consequence of any removals of paupers by the authority of said town, or on account of any transactions relative to the dispositions of the poor, in any way or manner, before the division thereof, charging the said town with the payment thereof, such charges shall be apportioned and paid between the said towns in the same manner as the poor and poor money are to be in the provisions in the second section of this act,

CHAP. CXXIX.

AN ACT to enable the Minister, Elders and Deacons of the Reformed Protestant Dutch Church, in the city of New-York, to hold real and personal estate, of the annual value or income therein mentioned.

Passed April 9, 1819.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the religious corporation in the city of New-York, known by the name of the minister, elders and deacons of the Reformed Protestant Dutch church of the city of New-York, and their successors, to hold real and personal estate of an annual value or income not exceeding twenty-five thousand dollars, anything in their original charter, or in any law of this state contained to the contrary notwithstanding : *Provided*, That the said property shall be such only as may be necessary for the purposes of the said religious incorporation.

CHAP. CXXX.

AN ACT to incorporate the Macdonough Turnpike Road Company, and for other purposes.

Passed April 9, 1819.

I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That Uri Tracy, James Clapp, and Ransom Rathbun, and such other persons as shall associate for the purpose of making a turnpike road commencing at the village of Oxford, in the county of Chenango, from thence westerly on or near the route of the old state road, to the Geneganset creek, in the town of Macdonough ; and from thence, on the most eligible route, to intersect a public road near the house of John McWhortec, in the town of Cincinnatus, be and hereby are created a body corporate and politic, in fact and in name, by the name of "The Macdonough turnpike road company ;" and by that name shall have continual succession, and be persons capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever ; and shall make and use a common seal, and may alter the same at pleasure ; and shall be capable in law of purchasing, holding and conveying any estate real and personal, for the use of the said company : *Provided always*, That such real estate so to be purchased and held, shall be necessary to fulfil the end and intent of the said corporation. Style.
Proviso.

II. And be it further enacted, That the said turnpike road shall be made agreeably to the directions of the act entitled, " an act relative to turnpike companies," passed the 13th day of March, 1807. Road how to be made.

Stock. III. *And be it further enacted,* That the stock of the said company shall consist of seven hundred shares, of twenty-five dollars each ; and that Gates Wilcox, Silvanus Moore, and Solomon Dodge, be and they are hereby appointed commissioners to receive subscriptions for said stock, in the manner directed in and by the said act.

Toll. IV. *And be it further enacted,* That the company hereby incorporated, shall be entitled to erect on the said road, two turnpike gates, and shall be entitled to exact, demand and receive, of and from every person travelling on or using said turnpike road, at each of the gates and turnpikes to be erected upon the said road, the following rates of toll, to wit : For every coach or four wheeled pleasure carriage, or pleasure waggon, drawn by two horses, twenty-five cents ; for every waggon or carriage, drawn by two horses, mules or oxen, twelve and an half cents, and three cents for every additional horse, mule or ox attached to such waggon or carriage ; for every cart, waggon or other carriage, drawn by one horse, mule or ox, six cents, and for every additional horse, mule or ox attached to such cart, waggon or carriage, three cents ; for every horse and rider, four cents ; for every horse or mule, led or driven, two cents ; for every chaise, chair, sulkey or other pleasure carriage, drawn by one horse or mule, twelve and an half cents, and six cents for every additional horse or mule ; for every sleigh or sled, drawn by two horses, mules or oxen, six cents, for every additional horse, mule or ox, three cents ; for every sleigh or sled, drawn by one horse, mule or ox, four cents ; for every score of cattle, horses or mules, twelve and an half cents ; and for every score of sheep or hogs, four cents ; and so in proportion for a greater or less number : *Provided,* That no turnpike gate shall be erected within one mile of the village of Oxford.

Commissioners. V. *And be it further enacted,* That John Randall, Hascall Remsford and John Noyes, or any two of them, be and they are hereby appointed commissioners to lay out and establish the said turnpike road ; and that the said company hereby incorporated shall have and enjoy all the rights, privileges, powers and immunities, which are given and granted in and by the said act, entitled, " an act relative to turnpike companies ; " and shall be subject to all the conditions, provisions and regulations in the said act contained.

Directors. VI. *And be it further enacted,* That the number of directors, for managing the concerns of the said company hereby incorporated, shall be seven, and that four of them shall be a quorum, and capable of transacting the business of the company.

Salt and Gypsum turnpike. VII. *And be it further enacted,* That Ransom Rathbun, John Elmore, and James Clapp, or any two of them, be and they are hereby appointed commissioners to lay out and establish the road authorised by an act, entitled, " an act to incorporate the salt and gypsum turnpike road company," passed April 17, 1815.

CHAP. CXXXI.

AN ACT for the relief of the Heirs and Devisees of the late Hugh Stocker, deceased.

Passed April 9, 1819.

WHEREAS Catharine Stocker, otherwise Smith, James Smith, ^{Preamble.} Ann Smith, James Gouldie, Mary Smith, David Frew, Catharine Smith, Adam Scott, and James Smith, and also Mary Stocker, otherwise Thompson, John Thompson, Janet Thompson, Hugh Thompson, and James Whiteford, all by Peter Hattrick, their attorney, and Isobell Stocker, by John Taylor, her attorney, have presented their petition to the legislature of this state, setting forth that by the last will and testament of the late captain Hugh Stocker, mariner, dated the second day of April, in the year one thousand eight hundred and two, a part of the real estate of which he died seised, was devised, after the demise of his wife, the late Susannah Stocker, to the said petitioners, all of whom are subjects of Great Britain, and resident in Scotland ; and that the said Hugh Stocker, was an American citizen, who had rendered many and important services to this country during the revolutionary war, and had always maintained an honest and highly respectable character : *And whereas* the property so devised by him to the said petitioners, comprehends all his real estate, excepting a certain lot in the city of New-York, in said will particularly described, and devised to one Thomas Durry and his children : *And whereas* the character and services of the said captain Hugh Stocker, make it fit and proper to give effect to the devises in his will, notwithstanding the alienism of the said petitioners : Therefore,

I. *BE it enacted by the people of the State of New-York,* ^{Interest of the state vested in the devisees.} *represented in Senate and Assembly,* That all the right, title, claim and interest, which the people of this state have, or can or may have, or claim in or to the real estate devised by the said Hugh Stocker, after the death of his wife, Susannah Stocker, to be equally divided among his three sisters, and their surviving children, share and share alike, shall be and hereby is vested in the said Catharine Stocker, otherwise Smith, James Smith, Ann Smith, James Gouldie, Mary Smith, David Frew, Catharine Smith, Adam Scott, James Smith, Mary Stocker, otherwise Thompson, John Thompson, Janet Thompson, Hugh Thompson, James Whiteford, and Isobell Stocker, their heirs and assigns for ever, as tenants in common, and notwithstanding the alienism of them or their said heirs or any of them, as fully and in like manner as if they and their said heirs had been, at the time of the death of the said Hugh Stocker, and always continued to be, citizens of the United States ; as trustees, however, to sell and convey the same to some citizen or citizens of the United States.

II. *And be it further enacted,* That the said Catharine Stocker, otherwise Smith, James Smith, Ann Smith, James Gouldie, ^{Who are empowered to sell the property.} Mary Smith, David Frew, Catharine Smith, Adam Scott, James Smith, Mary Stocker, otherwise Thompson, John Thompson, Janet Thompson, Hugh Thompson, James Whiteford, and Isobell

Stocker, and their heirs, in case of the death of any of them, be and they are hereby authorised and empowered, by themselves or by their attorneys, to sell the said real estate, or any part thereof, to any person or persons, being a citizen or citizens of the United States ; and that the deed or deeds for the said real estate, or any part thereof, shall and may be executed and given to such purchaser or purchasers, by the said attorney or attorneys, duly appointed for that purpose, and such deed or deeds shall vest in the said purchaser or purchasers, and his, her or their heirs, all the right, title and interest, which the aforesaid Hugh Stocker had at the time of his death, or the people of this state had, or shall or may have, in the premises purporting to be thereby conveyed.

Purchase money how to be applied.

III. *And be it further enacted*, That the purchase money or produce of such sale or sales, shall, in every respect, be applied and disposed of, pursuant to the will of the said Hugh Stocker, subject to the same legacies and incumbrances, and in the same manner, as the said real estate was devised by the said will : *Be it hereby declared*, That it shall not be the duty of the said purchaser or purchasers, his, her or their heirs or assigns, to see to the application of the said purchase money, or proceeds, or of any part thereof ; nor shall he, she or they, or any of them, be answerable for any loss, misapplication, or non application thereof, or any part thereof : *Provided however*, That nothing in this act contained, nor in any deed executed in virtue thereof, shall be deemed or construed as a warranty on the part of the state, of the title to the premises therein mentioned, or to give to the parties therein, any legal or equitable claim upon the state, nor to exempt the said premises from the payment of any tax with which it may be now charged, or to which it may be liable.

CHAP. CXXXII.

AN ACT relative to the qualifications of Jurors in the county of Cattaraugus.

Passed April 9, 1819.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That all the provisions of the act entitled, " an act relative to the qualifications of jurors in the counties of Niagara, Genesee, Chautauque, Allegany, St. Lawrence, Jefferson, Lewis, and Franklin," passed 18th April, 1815, be and the same are hereby extended to the county of Cattaraugus.

CHAP. CXXXIII.

AN ACT to amend an act entitled, "An act to regulate Highways in the counties of Suffolk, Queens and Kings," passed the 2d day of April, 1813.

Passed April 9, 1819.

I. *BE it enacted by the people of the State of New-York,* ^{Fines how to be appropriated.} *That all fines, forfeitures, pains and penalties, each and every of them, imposed and authorised to be collected by the second, fifteenth and nineteenth sections of the said amended act, shall be paid over by the person or persons therein named and authorised to collect the same, to the commissioners of highways, or any one of them, who are hereby required to appropriate and apply such penalty or penalties, fines and forfeitures, in improving the roads and bridges in the district of that town where the offence or offences were or may be committed.*

II. *And be it further enacted,* ^{Appeal to be decided.} *That it shall be the duty of the judges authorised by the fifth section of the said amended act, to convene and decide such appeal or appeals as are therein provided to be made to them, to fix, alter or establish, and for that purpose they are hereby invested with full power and authority, to fix, alter, and finally to establish any such road, respecting which there has been an appeal to them from the decision of the commissioners therein named, according to the provisions of said act; and to mark and designate where the owner or owners of the land adjacent to said road, shall or may set his, her or their fences: *Provided,* ^{Provide.} That no person shall be obliged to remove any fence, except between the first day of April and the first day of November, in any year.*

III. *And be it further enacted,* ^{Roads to be recorded.} *That it shall be the duty of the commissioners, named in the sixth section of the said amended act, to record in the town records, all roads laid out or altered by them, or as fixed, altered or established by the judges, as herein before authorised, within thirty days from the time such roads have been laid out, altered or established as aforesaid; and it shall be the duty of the town clerk, whenever the order of the commissioners of highways for laying out or altering a road, shall be recorded by him, to set up a copy thereof on the door of the house where the town meeting is usually held, and that the time limited for appealing from the commissioners of highways to the judges, shall be computed from the time of setting up such order.*

IV. *And be it further enacted,* ^{Accounts to be rendered.} *That the commissioners of highways, in each of the respective towns of Suffolk, Queens and Kings, shall render to the supervisor, town clerk, and justice of the peace, or a majority of them, at their annual meeting for auditing the accounts of the overseers of the poor of their respective towns, an account of all monies received by them, under this act, and shall pay the balance of any monies in their hands at the time to the said supervisors and justices, and to be by them applied to the use of the poor, or contingent expenses of the said town; and the said supervisors and justices shall make out and sign a certi-*

cate that they have settled with said commissioners ; which said certificate shall be delivered to the town clerk of such town, and be by him kept on file for the inspection of the inhabitants of said town.

CHAP. CXXXIV.

AN ACT to incorporate the Village of Palmyra, in the county of Ontario.

Passed April 9, 1819.

Bounds of the village.

I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the tract of country, contained in the following bounds, that is to say, beginning on the town line, between township number twelve, in the second range, and township number twelve, in the third range of townships in the county of Ontario, and forty rods south of the south line of Main street, as it now runs through the village ; running from thence east parallel with the south line of Main street aforesaid, one hundred and seventy rods ; thence north at right angles, eighty-six rods ; thence west parallel with said Main street, to the aforesaid town line ; thence south on said town line, eighty-six rods, to the place of beginning ; but in no case to cross Mud creek ; shall hereafter be known and distinguished by the name of "The village of Palmyra ;" and the freeholders and inhabitants, who are qualified to vote in town meetings, who may from time to time reside within the aforesaid limits, may, on the first Monday of May next, meet at such time of the day, and at such place in said village, as may be appointed by any justice or justices of the peace in said village, and notified to the inhabitants thereof, at least one week previous thereto, and then and there proceed to elect five discreet freeholders, resident within the said village, to be trustees thereof ; who, when chosen, shall possess and exercise the several powers and rights herein after specified ; and said justice or justices shall preside at such meeting, and shall declare the several persons having the greatest number of votes to be duly chosen trustees for the said village ; and on every first Monday of May thereafter, there shall be an annual election of trustees for said village, at such place as the trustees for the time being, shall notify, giving at least one week's notice, by publishing the same in the newspaper or papers in said village, or setting up written notices of the same, in three places in said village ; and the said trustees shall preside at such annual election.

Powers and privileges.

II. And be it further enacted, That the freeholders and inhabitants, residing within the aforesaid limits, be and they are hereby ordained, constituted and declared to be, from time to time, and for ever hereafter, a body politic and corporate, in fact and in name, by the name and style of "The trustees of the village of Palmyra ;" and by that name they and their successors for ever shall and may have perpetual succession, and be persons in law capable of suing and being sued, pleading and being impleaded, defending and being defended, in all courts and places whatsoever, in all

manner of actions, complaints and causes whatsoever ; and that they and their successors may have a common seal, and may alter the same at their pleasure ; and shall be in law capable of purchasing, holding, receiving and conveying any estate, real or personal, for the use of said village : *Provided* the said real estate shall be within the said village ; and of erecting any public buildings for the use of said village ; and of raising money by tax for erecting such public buildings, purchasing real or personal property, procuring fire engines, and other utensils for extinguishing fires, and for making a reasonable compensation to the officers of the corporation, and for making any necessary repairs or improvements in said village ; which moneys so to be raised shall be assessed upon the freeholders and inhabitants of the said village according to law, by not less than three nor more than five judicious assessors, who shall be freeholders in said village, to be chosen by the inhabitants thereof, qualified to vote in town meetings, and collected by the collector of the incorporation, to be chosen by the trustees of said village annually, in like manner as the taxes of towns and counties are collected ; by virtue of a warrant to him directed by a majority of the trustees : *Provided nevertheless, Provide.* That no tax shall be levied, or moneys raised, assessed or collected for the purposes aforesaid, or any other purpose, and no sale or purchase of any real estate made, and no public buildings erected or disposed of, without the consent of the legal voters of said village, in open meeting duly warned and notified, first given and expressed by a majority of votes then and there given : *Provided also,* and it is hereby made the duty of said assessors in assessing the taxes to be raised upon the inhabitants of said village for paving any street or streets, or flagging or improving the foot walks or side ways, to have regard both to the property and relative situation of each individual, so as that the said taxes may be assessed in a just and equitable manner of and from the owners and occupants of the houses and lands in said village, in proportion, nearly as may be, to the property and to the advantages which each shall be deemed to receive from the improvements to be made by said money when collected : *And provided also,* That if any person shall conceive himself or herself aggrieved by any such assessment, it shall be lawful for such person to appeal from the said assessors to the trustees of said village, in ten days after such assessment shall be made and public notice thereof given ; giving notice to said assessors, or any one of them, of such appeal, and of the time and place of determining thereon by said trustees, who shall hear the same, and do justice in the premises.

III. *And be it further enacted,* That it shall be lawful for the Tax inhabitants of said village, as often as they shall vote to raise any sum or sums of money, for any of the purposes aforesaid, to specify, as far as is convenient, the particular purpose for which said sum or sums, or any part thereof, shall be appropriated, that the assessors may have regard thereto in assessing the same upon the respective inhabitants of said village.

IV. *And be it further enacted,* That it shall and may be law- By-law. ful for the trustees of said village, or the major part of them, and for their successors in office for ever, to make, ordain, constitute

and publish such prudential by-laws, rules and regulations, as they from time to time shall deem meet and proper ; and such in particular as may relate to public markets within said village, relative to the streets, alleys and highways therein, and draining, filling up, paving, keeping in order, and improving the same ; relative to slaughter houses, and nuisances generally ; relative to a town watch, and lighting the streets of the said village ; relative to the number of taverns or inns to be licensed therein ; relative to restraining geese, swine, sheep, horses, or cattle of any kind ; relative to the inspection of weights and measures, and relative to erecting hay scales ; and relative to any thing whatsoever that may concern the public and good government of said village : *Provided*, That such by-laws be not contrary to, or inconsistent with, the laws and statutes of this state or of the United States ; and it shall also be lawful for said trustees to require the householders and occupants of buildings in the said village, under suitable penalties, to furnish themselves with fire buckets and other necessary utensils for extinguishing fire, and also keep their fire places and chimneys clean and in good repair.

Fines. V. *And be it further enacted*, That the said trustees, or a major part of them, as often as they shall make, ordain and publish any by-laws for the purpose aforesaid, may make, ordain, limit and provide such reasonable fines, penalties, and forfeitures, against the offenders of such by-laws as they may think proper, not exceeding twenty-five dollars for any one offence, to be prosecuted and recovered before any justice of the peace, or court having recognizance thereof, by the trustees, to and for the use of the said corporation ; and in all cases it shall be deemed sufficient for said trustees, in any suit or action to be brought for any such fines, penalties or forfeitures, to declare generally that the defendant or defendants are indebted to the trustees of the village of Palmyra in the amount of such fine, penalty or forfeiture, to be paid to the said trustees for the time being, when thereunto required ; and under such declaration to give the special matter in evidence ; and the freeholders and inhabitants of said village shall be deemed, and are hereby declared, competent to give testimony in any cause wherein the said trustees are a party, notwithstanding any remote interest which they may have as members of such corporation.

Possessors to pay taxes. VI. *And be it further enacted*, That the person in possession of any real estate in the village of Palmyra, at the time any tax is assessed, shall be liable to pay the amount assessed thereon ; and in case such person is not bound by contract or otherwise to pay such tax or any part thereof, he or she shall and may recover the same from the owner of such real estate, or other person, whose duty it was to have paid the same ; and all taxes upon any real estate in said village, shall be a lien thereon.

Assessors, treasurer and clerk. VII. *And be it further enacted*, That the inhabitants of said village of Palmyra, qualified to vote at town meetings, at the annual meetings in each and every year hereafter to be holden for choosing trustees, or any other meeting, duly notified, shall and they are hereby authorised to choose, by a major vote, not less than three, nor more than five, judicious freeholders, inhabitants of said village, as assessors, and one treasurer, and one clerk ; and it

shall be the duty of the said clerk to keep a faithful record of all the doings and votes of the inhabitants of said village at their annual and other legal meetings, in a book by him to be procured.

VIII. *And be it further enacted*, That the said trustees, assessors and clerk shall, within ten days after their election and appointment, and before they proceed to the exercise of their several offices, respectively take and subscribe an oath or affirmation, before any justice of the peace in said village, or county of Ontario, that they will faithfully execute the office or trust to which they may be severally elected. Oath to be taken.

IX. *And be it further enacted*, That the treasurer and collector hereafter to be elected shall, before they enter upon the duties of their respective offices, give such security for the faithful performance of the trust reposed in them as the major part of the trustees for the time being shall deem sufficient. Security to be given.

X. *And be it further enacted*, That the trustees, within ten days after their election, in every year thereafter, or the major part of them, shall, and it is hereby made their duty, to assemble in some convenient place, in said village, and there to choose and appoint some one suitable person of their body to be president of said board of trustees, whose duty it shall be, when present, to preside at the meeting of the trustees, to order extraordinary meetings of the trustees whenever he shall think proper, to receive complaints of the breach of the laws, to see that the by-laws, rules and ordinances are faithfully executed and observed, and to prosecute, in the name of the trustees, all offenders against such by-laws, and whose duty it shall be more particularly to see that the public property belonging to said corporation, and relating to the fire engines and utensils, be suitably taken care of and kept in order, and to do such other acts and things as may be proper for him as president of the board of trustees to do; and in case of the death or disability of such president, the said trustees shall proceed to choose out of their body a successor, in manner as above mentioned; and it is hereby made the duty of the said trustees to keep a record of their doings, especially of the passing of their by-laws, rules and regulations. President to be chosen.

XI. *And be it further enacted*, That the collector shall, within such time as shall be hereafter specified by the by-laws of said corporation next after the receipt of his warrant for the collection of any tax that may have been ordered to be raised, collect and pay over the same to the treasurer; and all moneys at any time in the hands of the treasurer shall be liable to be drawn out by the trustees, or a major part of them, and applied and disposed of as shall have been directed by the inhabitants of said village. Collector's duty.

XII. *And be it further enacted*, That the trustees shall keep a just and accurate account of their necessary expenses and disbursements at all reasonable times open to the inspection of the inhabitants of said village, and on exhibiting the same to the treasurer shall be entitled to receive the amount thereof out of any money in the treasury; and that the treasurer, collector, assessors and clerk shall be paid for their services such suitable compensation as the said trustees, or a majority of them, by a by-law of the corporation shall provide. Account.

Duration of office. XIII. *And be it further enacted,* That the trustees to be elected by virtue of this act shall continue in office, and be authorised to exercise all the powers and perform all the duties in this act contained, and belonging to their office of trustees as aforesaid, until the first Monday of May next following after their election of trustees as aforesaid, and until a new election of trustees for said village shall be made pursuant to this act, and until the said trustees so last chosen shall take and subscribe the oath or affirmation of the office of trustees.

Firemen. XIV. *And be it further enacted,* That it may be the duty of the said trustees, or a majority of them, and they are hereby authorised and empowered to appoint and elect, under the hand of the president of the board and seal of the corporation, as many fire wardens as they, or a majority of them for the time being, shall think fit and proper, and a company of firemen, not exceeding twenty in number, out of the inhabitants of said village, to have the care, management, working and use of the fire engine or engines which may belong to said village, and also the tools and implements for extinguishing fires; and the said trustees, or a majority of them, are hereby authorised to remove or displace all or any of the fire wardens or firemen so as aforesaid to be elected and appointed, when and as often as they shall think fit and proper, and others in their stead to elect, nominate and appoint.

Assize of bread. XV. *And be it further enacted,* That it shall and may be lawful for the trustees of said village, or the major part of them, from time to time, to make ordinances to regulate the assize and quality of bread to be baked and offered or exposed for sale by any baker or other person within said village, and inflict reasonable penalties upon all offenders against said ordinances; but in no other case to extend to the regulating or ascertaining the prices of any other commodities or articles of provisions to be offered for sale in said village.

CHAP. CXXXV.

AN ACT for the relief of the Lutheran Zion Church, in the village of Athens.

Passed April 9, 1819.

WHEREAS doubts have arisen whether the election of John Van Loon as a trustee of the Lutheran Zion church, in the village of Athens, was legal, owing to its not taking place on the day appointed in the charter: Therefore,

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the election of John Van Loon as one of the trustees of the Lutheran Zion church, in the village of Athens, shall be as legal, and all acts of his as valid in law, as if the said Van Loon had been elected on the day provided by the charter of the said church, any thing in the said charter to the contrary notwithstanding.

CHAP. CXXXVI.

AN ACT to invest certain powers in the freeholders and inhabitants of the village of Oldenbarneveld, in the county of Oneida.

Passed April 9, 1819.

I. *BE it enacted by the people of the State of New-York, Bountly, represented in Senate and Assembly,* That all that district of country contained within the following bounds, viz. beginning at the corners of great lots numbers one hundred and two, one hundred and three, one hundred and eight and one hundred and nine, in Servis' patent; and runs from thence south seventy-five degrees, thirty minutes east, along the south line of great lots numbers one hundred and three and one hundred and four, till it intersects the Steuben creek; from thence north eight degrees east till it intersects the Cincinnati creek; from thence north seventy-five degrees thirty minutes west along a line running parallel to the north line of great lots numbers ninety-one and ninety-two until it intersects the west line of lot number ninety-two; from thence south fourteen degrees thirty minutes west along the west line of lots numbers ninety-two, ninety-five, one hundred, and one hundred and three, to the place of beginning, shall hereafter be known by the name of "The village of Oldenbarneveld;" and that the freeholders and inhabitants qualified by law to vote at town meetings, who may reside within the aforesaid limits, may, on the first Tuesday of May next, at the now dwelling-house of Elisha Backus, and then and there proceed to choose five freeholders, residing within the aforesaid limits, to be trustees thereof; and that any justice of the peace, residing within the town of Trenton, shall give such public notice of such meeting, at least one week previous thereto, and shall preside at such meeting, and declare the several persons having a majority of votes as duly chosen as trustees; and on every first Tuesday of May thereafter, there shall, in like manner, be a new election of trustees of the said village, and the trustees for the time being shall preside at such election, and shall, in like manner, give notice of the time and place of holding the same.

II. *And be it further enacted,* That the freeholders and inhabitants aforesaid are hereby constituted and declared to be a body politic and corporate, by the name of "The Trustees of the Village of Oldenbarneveld;" and by that name they and their successors may have perpetual succession, and be persons in law capable of suing and being sued, and of defending and being defended in all courts of justice, and in all actions and causes of action whatsoever, and may have a common seal, and change and alter the same at pleasure; and shall be in law capable of holding, purchasing and conveying any estate, real and personal, for the use of said village, to raise money by tax for the purchase of an engine or engines, fire-buckets, fire-hooks, ladders and any other implements necessary for the extinguishment of fire, and for erecting suitable buildings for preserving the same, also for the erection of hay scales, and of making any other necessary im- Powets, &c.

provements ; which money, so to be raised, shall be assessed upon the freeholders and inhabitants, or bodies corporate, of the said village, in proportion to the relative value of their property therein to be assessed, and in proportion to the advantages such freeholders and inhabitants will receive from the appropriation of the moneys so to be assessed, by three judicious assessors, to be chosen from among the freeholders of said village, at their annual meeting, and collected by a collector, to be in like manner chosen ; and when so collected to be paid over to the said trustees, or such of them as they may designate, to be applied to the purpose for which the same shall have been raised : *Provided always*, That no tax shall be levied or monies assessed, raised or collected for the purpose aforesaid, nor any purchase or sale of any real estate be made, nor any public buildings erected or disposed of without the consent of the freeholders and inhabitants of the said village, or the majority thereof, at a public meeting duly notified by the trustees of the said village.

Penalty for not serving.

III. *And be it further enacted*, That if any freeholder, residing within the limits of the said village, shall refuse to serve in any office to which he may be elected, shall forfeit the sum of five dollars, to be recovered before any justice of the peace within said county, which shall be applied for the use and benefit of said village : *Provided*, That no such freeholder shall be compelled to serve for a longer term than one year, in succession, unless he chooses or agrees to it.

Firemen.

IV. *And be it further enacted*, That the said board of trustees shall, as soon as an engine or engines is purchased or procured, appoint a sufficient number of men willing to accept, not to exceed twenty-five in number to each engine, out of the inhabitants of said village, to have the care, management and working of the fire engine or engines belonging or which may belong to the said inhabitants, and also the tools and implements for extinguishing fires ; and the said board of trustees may, at any meeting, remove or displace all or any of the firemen so as aforesaid to be appointed, and may appoint others in their place, and may make and establish such rules, orders and regulations for the government, conduct and duty of the said firemen as to them from time to time seems proper.

By-laws.

V. *And be it further enacted*, That it shall be lawful for the said trustees, or a majority thereof, and their successors, to make and publish such prudential rules, regulations and by-laws as they, from time to time, or a majority of them, shall deem meet and proper relative to the draining, filling up, levelling, paving, keeping in order and improving the highways, streets and alleys, relative to all necessary means for preventing and extinguishing fires, relative to the regulating of markets, if any such there be, relative to all nuisances whatever, relative to hogs, sheep, cattle and geese running at large, and all things which may tend to the improvement, police and good government of the said village : *Provided*, That no such by-laws shall extend to the regulating or fixing of the prices of any commodities or articles of provision offered for sale in said village, or which may not be inconsistent with the constitution and laws of the United States, or of this state, and

may make and provide such reasonable fines against the breach of such laws as they may think proper, not exceeding ten dollars for any one offence, to be prosecuted and recovered by the said trustees, in their own name, before any justice of the peace in the county of Oneida, for the use of the freeholders and inhabitants of the said village.

VI. *And be it further enacted*, That the freeholders and inhabitants aforesaid may, on the first Tuesday of May next, and every annual meeting thereafter, elect as aforesaid, a fit person, resident of said village, to be a common clerk, whose duty it shall be to record all rules and regulations made by the said freeholders and inhabitants at their meetings aforesaid, in a proper book to be by him provided, at the expense of the corporation, for that purpose; and also to do all things that the said trustees, or a majority of them, shall direct, under the powers vested in them by this act; for which services he shall be allowed such compensation as the trustees in their judgment shall think just and reasonable.

VII. *And be it further enacted*, That the trustees, assessors, clerk and collector, so to be chosen, shall, within ten days after each and every election, and before they proceed to the exercise of their several offices, take and subscribe an oath or affirmation, before any justice of the peace of, the said county, for the faithful performance of the duties of the office to which they shall have been severally chosen.

VIII. *And be it further enacted*, That the said trustees shall keep a just and accurate account of their necessary expenses and disbursements, and of all monies received and paid by them during their continuance in office, and shall, at every annual meeting, prepare and state their accounts of the current year, and if a balance shall remain in their hands, pay the same over to their successors in office; and that it shall be lawful for the trustees of the said village for the time being to pay the assessors and collector such compensation for their services as shall be prescribed by the by-laws of the said village.

IX. *And be it further enacted*, That this act is hereby declared a public act, and that the same be construed in all courts favorably and benignly for every beneficial purpose herein contained.

CHAP. CXXXVII.

AN ACT to incorporate the Rome and Sackett's Harbor Turnpike Company.

Passed April 9, 1819.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That Daniel Wardwell, Elisha Camp, John Burch, James Thompson, Amos Johnson, Bela B. Hyde and James Cochran, and all such other persons as shall associate for the purpose of making a good and sufficient turnpike road, to begin at the house of Peckham Barker, in the town of

Whitestown, in the county of Oneida ; thence the nearest and best route, through the village of Rome to the village of Adams, in Jefferson county ; and from thence to the village of Sackett's Harbor, in said county, be and they are hereby ordained and constituted a body corporate and politic, in fact and in name, by the name
Style. of the President and Directors of the Rome and Sackett's Harbor Turnpike Road Company ; and by that name shall be and hereby are made capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places whatsoever, and shall make and use a common seal, and alter the same at pleasure ; and they are hereby made capable of purchasing, holding and conveying any estate, real or personal,
Provide. for the use of the said corporation : *Provided*, That such estate, real and personal, so to be purchased and held, shall be necessary to fulfil the end and intent of the said incorporation, and for no other purpose whatsoever.

Stock. II. *And be it further enacted*, That the stock of the said company hereby incorporated shall consist of two thousand shares, of twenty-five dollars each, and that Elisha Camp, Amos Johnson, James Cochran, Bela B. Hyde and John Burch, be and they are hereby appointed commissioners to receive subscriptions for said stock, in manner directed by the act entitled, "an act relative to turnpike companies," passed the 13th day of March, 1807.

Toll. III. *And be it further enacted*, That the said company hereby incorporated shall be entitled to exact and receive, at each of the gates or turnpikes to be erected on said road for any number of miles not less than ten in length of the said road, the following sums of money, and in proportion for any greater or less distance, from all persons travelling or using the same : for every waggon, drawn by two horses, mules or oxen, twelve and an half cents ; for every additional horse, mule or ox, three cents ; and every cart, drawn by two oxen, eight cents ; and every additional yoke of oxen, or pair of horses or mules, three cents ; for every score of sheep or hogs, six cents ; for every score of cattle, horses or mules, twelve and an half cents ; for every chair, sulkey, chaise, or other two wheel or pleasure carriage, with one horse, twelve and an half cents ; for every horse rode, four cents ; and for every horse led or driven, two cents ; for every chariot, coach coachee, or other pleasure carriage, drawn by two horses, twenty-five cents, and in like proportion if drawn by a greater or less number of horses, mules or oxen : for every sleigh or sled, drawn by two horses, oxen or mules, six cents ; and for every additional horse, ox or mule, two cents ; and for every sleigh or sled, drawn by one horse, ox or mule, four cents.

Privileges. *And be it further enacted*, That the number of directors shall be five, three of whom shall be a quorum and capable of managing the business and concerns of the company hereby incorporated, shall have and enjoy all the rights, privileges, powers and immunities which are given and granted in and by the aforesaid act entitled, "an act relating to turnpike companies," and shall be subject to all the conditions and provisions whatsoever and regulations contained in the said general act, passed the thirteenth day of March, one thousand eight hundred and seven.

CHAP. CXXXVIII.

AN ACT to amend an act entitled, "an act authorising Commissioners to lay out a Road from Vernon to Rome, in the county of Oneida."

Passed April 9, 1819.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That in all cases where the said road shall run through enclosed or improved lands, the owner or owners thereof shall be paid his, her or their damages by the town in which such lands shall lie, to be assessed, collected and paid as is directed in and by the act entitled, "an act to regulate highways."

CHAP. CXXXIX.

AN ACT to extend the Gaol Liberties, in the county of Jefferson.

Passed April 9, 1819.

I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the judges of the court of common pleas of the county of Jefferson, or a majority of them, to extend the gaol limits of said county, which extent shall in no instance comprehend a larger space than three hundred acres.

II. And be it further enacted, That it shall be the duty of the said judges to establish the aforesaid limits in like manner as prescribed in the fourth section of the act entitled, "an act relative to gaols," passed April 6th, 1813.

CHAP. CXL.

AN ACT to prevent the destruction of Fish, in the town of Kent, in the county of Putnam, and in the town of Stanford, in the county of Dutchess.

Passed April 9, 1819.

I. BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That from and after the passing of this act it shall not be lawful for any person or persons, at any time, or in any manner whatsoever, before the first day of June, in the year one thousand eight hundred and twenty-one, to take any fish of any kind, or to use any means for taking them, in the waters of a certain pond, in the town of Kent, in the county of Putnam, commonly known by the name of the White pond.

II. And be it further enacted, That if any person or persons shall take any fish, or use any means for taking them, in the wa-

ters of the said pond, he or they shall incur a penalty of ten dollars for each and every offence, to be sued for and recovered by any person who will prosecute for the same, in an action of debt, in his own name, with the costs of suit, in any court having cognizance of the same, the one moiety of which sum, when recovered, shall be paid by the person recovering the same to the overseers of the poor of the said town of Kent, for the use of the poor thereof: *Provided*, That nothing herein contained shall go into effect unless a certain kind of fish called pike shall be put into said pond before the first day of May next.

In Upton pond.

III. *And be it further enacted*, That from and after the passing of this act it shall not be lawful for any person or persons, at any time, or in any manner whatsoever, before the said first day of June, in the year one thousand eight hundred and twenty-one, to take any fish of any kind, or to use any means for taking them, in the waters of a certain pond, in the town of Stanford, in the county of Dutchess, known by the name of Upton's pond.

Penalty.

IV. *And be it further enacted*, That if any person shall take any fish, or use any means for taking them, in the waters of the said Upton's pond, he or they shall incur the same penalty, and to be recovered in like manner as is provided in the preceding section of this act, one half thereof, when so recovered, to be paid to the overseers of the poor of the said town of Stanford, for the use of the poor thereof.

CHAP. CXLI.

AN ACT to amend an act entitled, "*an act relating to Slaves and Servants.*"

Passed April 9, 1819.

Penalty for exporting slaves or servants.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That if any person shall send to sea or export, or attempt to export, from this state, or send or carry out of, or attempt to send or carry out of this state, except as is provided by the act hereby amended, any slave or servant, every person so exporting or attempting to export, or sending or carrying out of this state, or attempting to send or carry out of this state, such slave or servant, and every person aiding or consenting to such exportation, or attempt to export, or to such sending or carrying out of this state, or such attempt to send or carry out, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine, not less than one thousand dollars, nor more than two thousand dollars, or imprisoned in the state prison, at hard labor, for any term of time not less than two, nor more than four, years, or both, at the discretion of the court: *And further*, That every slave or servant so exported, or attempted to be exported or sent to sea, shall be free: *Provided*, That nothing herein contained shall apply to any slave or servant who shall be pardoned by the executive on condition of leaving this state.

Proviso.

II. *And be it further enacted*, That if any person shall, without due process of law, seize and forcibly confine, or inveigle, or kidnap any negro, mulatto, mustee, or other person of colour, with intent to send or carry him out of this state ; or shall conspire with any other person or persons, or aid, abet, assist, hire, command or procure any other person to commit the said offence, or any captain of a vessel, or other person, shall sell or dispose of in any foreign part or place, any negro, mulatto, mustee, or other person of colour, and shall be duly convicted of any of the said offences, before any court of oyer and terminer or general sessions of the peace, of any county in this state, shall be fined or imprisoned, or both, in the discretion of the court before which such conviction shall be had ; such fine to be not less than one thousand dollars, nor more than two thousand dollars ; such imprisonment to be in the state prison, at hard labour, for any term not exceeding fourteen years.

For forcibly seizing, &c.

III. *And be it further enacted*, That the thirteenth and twenty-ninth sections of the act hereby amended, be and the same are hereby repealed.

Part of former act repealed.

IV. *And be it further enacted*, That it shall and may be lawful for any person who, or whose family, shall reside part of the year in this state, and part of the year in an adjoining state, to remove with him or them, from time to time, any slave either into this state or into an adjoining state : *Provided however*, That if such slave had previously been a resident and slave within this state, it shall not be lawful for the owner of such slave, at any time, to sell such slave to any person or persons not an inhabitant of, or resident within this state ; and if such owner shall sell such slave to any person or persons not an inhabitant of, or resident within this state, then such slave shall be, and is hereby declared to be free.

Privilege of certain persons.

Proviso.

CHAP. CXLII.

AN ACT to amend an act entitled, "*An act to incorporate the Huntington and Smithtown Turnpike Company.*"

Passed April 9, 1819.

WHEREAS the president and directors of the Huntington and Smithtown turnpike company have, by their petition, represented to this legislature, that expensive pleasure waggons are now used almost exclusively in the room of gigs, coaches, and other pleasure carriages, some of which pay thirty-seven and an half cents toll, and that the above said pleasure waggons, when drawn by one horse, now pay only seven and an half cents, and when drawn by two horses, pay twelve and an half cents ; and praying that the toll be increased on said pleasure waggons ; and they further represent that the location of the toll-gates, by the charter of said company, is injurious to their interest also, praying that their charter be so amended as to enable them to erect their gates at such places as shall be most beneficial to said company, and not injurious to the public : Therefore,

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the toll on the waggon above described, when used exclusively for pleasure on said road, and drawn by one horse, shall be increased to fifteen cents, and when drawn by two horses, to thirty-seven and an half cents for every ten miles of the said road, and in the same proportion for a greater or less distance ; and that the toll gates on said road may be erected at such places on said road, as shall, by the president and directors of said company, be thought most beneficial to the company, and not injurious to the public ; any thing in the act hereby amended to the contrary notwithstanding.

II. *And be it further enacted*, That it shall be lawful for the president and directors of said company, to exact and receive a reasonable sum of such persons who may use sections of the road in transporting wood and other heavy articles, where they pass no toll gate ; such sum to be proportionate to the other toll of the said company, and the use made of the said road.

CHAP. CXLIII.

AN ACT to alter and amend the act entitled, "*An act to incorporate the Cauterskill Turnpike Company, and for other purposes.*"

Passed April 9, 1819.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That as soon as "The Cauterskill turnpike company," shall have made and completed five miles of the road by the act hereby amended authorised to be made, commencing at or near the house of Henry Race, on the Little Delaware turnpike road, in the town of Catskill, and shall have the said five miles of road inspected and approved according to law, they shall be, and they are hereby authorised and empowered, to erect a turnpike gate on such part of said road as they may think proper, and to exact and receive at such gate, from all persons travelling on or using said road, the following rates of toll, to wit : for every cart or waggon, drawn by two horses, mules or oxen, six and one quarter cents, and one cent and an half for every additional horse, mule or ox attached to such waggon or cart ; for every coach, coachee, phaeton or curricule, with two horses, twelve and an half cents, and three cents for each additional horse ; for every sulkey, chair, chaise, or other one horse pleasure carriage, six and a quarter cents ; for every waggon or cart, drawn by one horse, four cents ; for every horse and rider, three cents ; for every horse, driven or led, one and an half cents ; for every sleigh or sled, drawn by two horses, mules or oxen, four cents, and so in proportion for a greater or less number ; for every score of horses, cattle or mules, six and a quarter cents, and so in proportion for a greater or less number ; for every score of sheep or hogs, four cents, and so in proportion for any greater or less number.

II. *And be it further enacted*, That the time for completing said road be and the same is hereby extended until the first day of

January, one thousand eight hundred and twenty-four ; and that all the powers, rights, and privileges heretofore granted to the "Caaterskill turnpike company," be and the same is hereby confirmed.

CHAP. CXLIV.

AN ACT to incorporate the Franklin Turnpike Company, in the county of Onondaga.

Passed April 9, 1819.

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly,* That Chauncey Andrews, Jonathan Stanley, and Aaron Benedict, and such other persons as shall associate for the purpose of making a good and sufficient turnpike road, commencing in the village of Manlius, in the town of Manlius, in the county of Onondaga, and running from thence to the village of Franklin, in the town of Fabius ; and from thence in the most direct and convenient route, to intersect the fourth great western turnpike, in the town of Truxton, in the county of Cortland ; be, and they are hereby created, a body politic and corporate, by the name and style of "The president, directors and company of the Franklin turnpike road ;" and by that name they shall and may have perpetual succession, and shall be and are hereby made capable in law of suing and being sued, impleading and being impleaded, answering and being answered unto, in all courts whatsoever ; and shall make and use a common seal, and may alter the same at pleasure ; and they are hereby made capable in law of purchasing, holding and conveying any estate, as well real as personal, for the use and benefit of the said company : *Provided,* That such estate, as well real as personal, so to be purchased and held, shall be necessary to fulfil the end and intent of said corporation, and to no purpose otherwise whatever.

II. *And be it further enacted,* That the said road shall be made in every respect agreeable to the directions of the act entitled, "an act relative to turnpike roads," passed 13th March, 1807.

III. *And be it further enacted,* That the stock of the said company shall not consist of more than eight hundred shares, of twenty-five dollars each ; and that Abijah Yelverton, junior, George Pettit, and Aaron Benedict, are hereby appointed commissioners to receive subscriptions for the said stock, in the manner directed in and by the act entitled, "an act relative to turnpike companies," passed the 13th day of March, 1807.

IV. *And be it further enacted,* That the said company hereby incorporated, shall be entitled to exact and receive at each of the gates or turnpikes on said road to be erected, for any number of miles not less than ten in length, of said road, the following sums of money, and so in proportion for any greater or less distance, from all persons travelling or using the same, the following rates of toll, to wit : for every cart or waggon, drawn by two horses,

mules or oxen, twelve and an half cents; and three cents for every additional horse, mule or ox attached to such waggon or cart ; for every coach, coachee, phaeton or curricle, with two horses, twenty-five cents, and six cents for every additional horse ; for every sulkey, chair, chaise, or other one horse pleasure carriage, twelve and an half cents ; for every waggon or cart drawn by one horse, eight cents ; for every horse and rider, six and one quarter cents ; for every horse, driven or led, three cents ; for every sleigh or sled, drawn by two horses, mules or oxen, eight cents, and so in proportion for a greater or less number ; for every score of horses, cattle or mules, twelve and an half cents, and so in proportion for a greater or less number ; for every score of sheep or hogs, eight cents, and so in proportion for a greater or less number : *Provided* it shall not be lawful for the said company to erect any gate within two miles of the village of Manlius, nor within two miles of the village of Franklin.

Privileges,
&c.

V. *And be it further enacted*, That the corporation hereby created, shall have and enjoy all the rights and privileges, powers and immunities which are given and granted in and by the aforesaid act entitled, " an act relative to turnpike companies ;" and shall be subject to all the conditions, provisions, and restrictions and regulations in the said act, except so far as is otherwise herein provided and enacted.

A public act.

VI. *And be it further enacted*, That this act shall be deemed and taken to be a public act, and shall be liberally construed to effect the end and purpose hereby intended and contemplated :

Provide.

And provided also, That the legislature may, at any time hereafter, amend this act, or vary or modify its powers, as to them shall seem fit and proper.

CHAP. CXLV.

AN ACT to incorporate the Delhi and Franklin Turnpike Company.

Passed April 9, 1819.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Samuel Sherwood, Charles A. Foote, Gideon Frisbee, Oliver Peak, and all such others as shall associate for the purpose of making a good and sufficient turnpike road, to begin at the turnpike road in the town of Franklin, near where the same is intersected by Handsome brook, and extending from thence, in the most direct and practicable route, until it intersects the road running up and down the Delaware river, in the town of Delhi ; and their successors be and they are hereby created a body corporate and politic, by the name of " The president, directors and company of the Delhi and Franklin turnpike ;" and shall have and enjoy all the rights and privileges, powers and immunities, of a body corporate and politic, and all such as are given by " an act relative to turnpike companies," passed 13th day of March, 1807.

II. *And be it further enacted*, That the stock of the said company shall consist of seven hundred and fifty shares, of twenty dollars each; and that Obadiah Sands, Charles A. Foote, and Asher Mervin, be commissioners to receive subscriptions for the said stock, in the manner directed in and by the said "act relative to turnpike companies."

III. *And be it further enacted*, That Sheman Bartlett, Homer R. Phelps, and Joseph A. Bostwick, or any two of them, be and they hereby are appointed commissioners to survey and lay out the said road, subject to the regulations and restrictions contained in the said "act relative to turnpike companies," and to execute and perform all the duties therein mentioned, as fully as if the said commissioners had been appointed in the manner prescribed by the said act.

IV. *And be it further enacted*, That the said company may, when the road shall be completed, erect two gates thereon, and may take the same toll at each as is provided by law on the Susquehannah turnpike: But a gate shall not be erected within two miles of the west end of said road.

CHAP. CXLVI.

AN ACT to prevent the destruction of Fish, in the town of Livingston, in the county of Columbia.

Passed April 9, 1819.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That it shall not be lawful for any person or persons, at any time, or in any manner, before the first day of May, which will be in the year of our Lord one thousand eight hundred and twenty-one, to take any fish in any of the ponds or lakes situate in the town of Livingston, into which any pike or pickerel have been put or placed, by any person or persons; nor shall it be lawful at any time thereafter to take any fish of any description in the said ponds or lakes, by means of seines or nets.

II. *And be it further enacted*, That if any person or persons shall fish contrary to the provisions of the preceding section, he shall forfeit the sum of ten dollars for each and every offence, to be recovered by any person who will sue for the same; the one moiety thereof shall, when recovered, be paid to the overseers of the poor of the said town of Livingston, for the use of the poor thereof, and the other moiety to the person who shall sue for the same.

III. *And be it further enacted*, That it shall not be lawful for any person, at any time after the passing of this act, to take any trout in any of the streams or waters of the county of Columbia, in any other way, or by any other means, than with the hook; and if any person or persons shall take any trout by any other means, he, she or they shall forfeit and pay for each offence, to any person who will prosecute for the same, in any court having cognizance thereof, with costs of suit, the sum of five dollars, in an action of debt.

CHAP. CXLVII.

AN ACT *to alter the place of holding the Courts of Common Pleas and General Sessions of the Peace, in and for the county of Franklin, and to abrogate and annul one Term of the General Sessions thereof.*

Passed April 9, 1819.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly,* That the courts of general sessions of the peace in and for the county of Franklin, shall hereafter be held at the two several terms following, to wit : on the last Tuesday of January and second Tuesday in October, in each year ; and that the said several terms of the said court may be continued and held from the time of the commencement thereof, until the Saturday following, inclusive ; and that the term authorised by the statute to be held on the second Tuesday of June, in every year, is hereby abrogated and annulled.

II. *And be it further enacted,* That the said several courts of common pleas, in the said county of Franklin, authorised by the statute, and the general sessions of the peace hereby authorised, shall hereafter be held at the court-house, in the town of Malone, in said county ; and that all judgments and proceedings heretofore had in the same, at the said court-house, are hereby declared in all respects valid.

III. *And be it further enacted,* That all process, recognizances and other proceedings, which would have been returnable in the June term hereby abolished, in case this act had not been passed, shall be and are hereby made, by virtue of this act, returnable in the October term thereafter, in like manner, and with like effect, as if the same had originally been made returnable in the said October term.

CHAP. CXLVIII.

AN ACT *for the Preservation of Fish, in the waters of Otsego Lake, in the county of Otsego.*

Passed April 9, 1819.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall not be lawful for any person to fish in the waters of Otsego lake, in the county of Otsego, with a net or seine, from the fifteenth day of June, to the first day of January, in every year hereafter ; and every person herein offending, shall for each and every fish so taken, forfeit and pay the sum of ten dollars, and forfeit the net or seine, employed in taking fish, contrary to the provisions of this act, to be recovered with costs of suit, by action of debt, in any court having cognizance thereof, by any person who will prosecute for the same, the one half of which forfeitures, when recovered, shall be paid to

the person who shall prosecute therefor, and the other half shall be paid to the overseers of the poor in the town wherein such recovery shall be had, to be by them applied to the support of the poor of said town.

CHAP. CXLIX.

AN ACT to amend the act entitled, "An act relative to Turnpike Companies," and the act entitled, "An act concerning Turnpike Roads."

Passed April 9, 1819.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That whenever any judgment shall be hereafter obtained against any keeper of any turnpike gate, under and by virtue of the sixteenth section of the act entitled, "An act relative to turnpike companies," or under and by virtue of the third section of the act entitled, "An act concerning turnpike roads," for the penalty therein mentioned, it shall not be lawful for the party recovering such judgment, to have execution therein in any other manner than is authorised and allowed by the act entitled, "An act for the recovery of debts to the value of twenty-five dollars ;" and that so much of the above mentioned sections of the said acts hereby amended, as directs that the party recovering such judgment, may have execution without delay, be and the same is hereby repealed.

CHAP. CL.

AN ACT for defraying the expense of certain repairs made to the Capitol, in the city of Albany.

Passed April 9, 1819.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the comptroller be and he is hereby authorised to audit the expense of certain repairs and improvements to the court room in the capitol in the city of Albany, heretofore made under the direction of the judges of the supreme court, and thereupon to draw his warrant on the treasury for the payment thereof; and that it shall be and is hereby made the duty of the supervisors of the county of Albany to cause to be assessed and raised, in three equal annual instalments, upon the said county, one-third part of the amount of the expense of the said repairs, to be certified to the said board of supervisors by the comptroller; which sums when so raised, from time to time, shall be paid into the treasury of the state.

CHAP. CLI.

AN ACT to pardon Jack Hodges and David Conkling.

Passed April 10, 1819.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Jack Hodges, a colored man, and David Conkling, be and they are hereby pardoned of the murder of Richard Jennings, whereof they were convicted at a court of oyer and terminer and general gaol delivery, held in and for the county of Orange, in the months of February and March last, and for which they were sentenced by the said court to be executed.

II. *And be it further enacted*, That instead of the punishment of death, the said Jack Hodges be and hereby is directed to be imprisoned in the state-prison at New-York, at hard labor, for and during the period of twenty-one years; and that instead of the punishment of death, the said David Conkling be and he is hereby directed to be confined in the said prison, at hard labor, for and during the term of his natural life; and that it shall be the duty of the sheriff of Orange county forthwith to remove the said Jack Hodges and David Conkling from the gaol in the said county, and them safely deliver to the keeper of the said state-prison; and that it shall be the duty of the said keeper to receive the said Jack Hodges and David Conkling into the said prison, and them to keep there in the manner aforesaid for and during the several periods above mentioned.

CHAP. CLII.

AN ACT appointing Commissioners to report a plan for improving the navigation of the Hudson river.

Passed April 12, 1819.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That De Witt Clinton, Simeon De Witt, John V. N. Yates, Martin Van Buren, Edmund C. Genet, George Tibbits and Townsend McCoun, be and they are hereby appointed commissioners for the purpose of ascertaining the best and most efficient plan for improving the navigation of the tide waters of the Hudson river, and to report the same at the next session of the legislature, accompanied with estimates of the expense for making such improvements, and also with such drawings, maps, plans, surveys, soundings, and other illustrations, as the said commissioners may, in their judgment, think best calculated to afford full information; and the said commissioners may employ such engineers, surveyors, agents or servants, in performing the services herein required, as they shall deem necessary; and a majority of the said commissioners are authorised to execute the trusts reposed in them by this act; and the comptroller shall audit and draw his warrant on the treasury for payment of the necessary expenses incident to the execution of this act.

CHAP. CLIII.

AN ACT for the relief of John T. Gitman and Rudolph C. Cook, and for other purposes.

Passed April 12, 1819.

WHEREAS the said John T. Gitman and Rudolph C. Cook Preamble. are the bail of Henry H. Cooke, late a collector of the town of Palatine, in the county of Montgomery, and who hath absconded, leaving the bail liable for the taxes, and some of the taxes remain unpaid, and have prayed relief in the premises : Therefore,

I. *BE it enacted by the People of the State of New-York,* J. T. Gitman may collect the taxes. That it shall and may be lawful for John T. Gitman, and he is hereby authorised and empowered, on the receipt of the warrant and tax list of the late collector, with like power and authority, to collect all taxes due and unpaid on the said tax list, as if the said warrant was by law returnable on the first day of June next ; and the treasurer of the said county shall settle with the said John T. Gitman, in the same manner, relative to any deficits, as if the same had been returned on the day directed by law for that purpose : *Provided however,* That nothing herein contained shall be held, construed or taken to authorise the said John T. Gitman to proceed in the collection of the said taxes, unless he shall previously give satisfactory security or bail, and to be approved of by the supervisor of said town, to render an account, upon oath, of all the monies by him received, and to pay over the same, and to render a true account of taxes on lands belonging to non-resident owners, on or before the said first day of June, to the same persons, and in the same manner, as the said late collector, by law, ought to have done : *And provided further,* That nothing herein contained shall be held, construed or taken to release the sureties, or either of them, of the late collector, from any liability incurred by them, or either of them, by or in consequence of their said suretyship.

II. *And be it further enacted,* That it shall be the duty of the To account. said John T. Gitman to render an account, upon oath, to the treasurer of the county of Montgomery, on or before the first day of June aforesaid, of the amount of the moneys received by him on said tax list, and of the lands taxed belonging to non-resident owners which appear to be unpaid on said list, and return the description of said lands, signed by him, to the said treasurer ; which oath the said county treasurer is hereby authorised and empowered to administer.

And whereas great embarrassments may arise in ascertaining what taxes have been paid, and which are not credited on said tax list, and the better to remove them : Therefore,

III. *Be it further enacted,* That it shall and may be lawful for May administer oaths. the said John T. Gitman, and he is hereby authorised and empowered to administer an oath to each and every person named in said tax list whose tax appears thereby to remain unpaid, or such other person as the said person charged with any tax shall offer as a witness, and interrogate, on oath, the said person or persons, as to the

payment or non-payment of any of the taxes appearing by said list to remain unpaid to the late collector.

Returns of ar-
rears of taxes
in 1817 and
1818 how to
be made.

IV. *And be it further enacted*, That all such returns of the arrearages of the taxes of the years one thousand eight hundred and seventeen and one thousand eight hundred and eighteen, as have been or may be made to the comptroller's office, if examined and certified in the manner prescribed by the eleventh section of the act entitled, "an act for the assessment and collection of taxes," shall be as valid to all intents as if the same had been examined and certified in the manner prescribed by the seventh section of the act entitled, "an act concerning the valuation of real property in the county of Sullivan, and for other purposes, and to amend the act for the assessment and collection of taxes," passed 15th April, 1814.

Returns from
Coventry, in
Chenango.

V. *And be it further enacted*, That the return of arrearages of taxes on non-resident lands, for the year one thousand eight hundred and eighteen, from the town of Coventry, in the county of Chenango, made to the county treasurer, on the eighth day of March, shall be as valid as if the same had been made within one week after the first day of February last.

CHAP. CLIV.

AN ACT to amend an act entitled, "*an act declaring the Neversink river a public highway, and for other purposes*," passed April 16th, 1816.

Passed April 12, 1819.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That the said act, and the privileges, tolls and emoluments thereby intended to be granted to the president, directors and company of the Neversink navigation company, shall continue in force seventy-five years from and after the passing of this act.

II. *And be it further enacted*, That it shall and may be lawful for the said president, directors and company to demand, collect and receive a proportion of the tolls for all rafts that may be run before the said river is wholly cleared agreeably to the said act, to wit: for all lumber that may be rafted or run on said river, between Bachus Kill and Bush Kill, one-quarter of the tolls granted by the said act; and for all lumber that may be rafted or run on said river, above said Bush Kill, one-half of the tolls granted by the said act, until the whole of said river has been cleared, agreeably to the act hereby amended, when the tolls are to be collected agreeably to the said act.

CHAP. CLV.

AN ACT to authorise the sale of the Gaol of the county of Niagara, and for other purposes.

Passed April 12, 1819.

I. BE it enacted by the people of the State of New-York, ^{Gaol and lot to be sold.} *represented in Senate and Assembly,* That it shall be the duty of the judges of the court of common pleas of the county of Niagara to appraise and estimate the building now occupied as the gaol of said county, and also the lot on which the same is situate, and to cause to be filed in the office of the clerk of said county a certificate of such appraisal, signed by a majority of the said judges, specifying the just value thereof, according to their knowledge and belief.

II. And be it further enacted, That it shall and may be lawful for Joseph Landon, Samuel Wilkinson and Amos Callender, to sell the said building separately, or together with the said lot of land, for such sum or sums of money as they, or a majority of them, shall deem just and equitable, and to execute the requisite deeds or other conveyances for, and receive such security for the payment thereof, executed to the treasurer of said county, as they shall consider good and sufficient; and they, as commissioners, are hereby authorised to apply the monies arising from the sale of the said building and lot of land in the construction of proper and secure apartments in the basement story of the court-house of said county, to serve as a gaol for the safe custody of prisoners that may be confined therein; and, after completing the same, to apply the surplus moneys, (if any there be) towards the finishing of the hall and upper story of the said court-house, in such manner as they shall direct; and that they shall annually account to the board of ^{Commissioners to give deeds.} supervisors for the receipts and disbursements of said moneys, which board is directed to audit and settle such accounts: ^{To account.} *Provided always,* That the said commissioners shall, previous to entering on the duties authorised and required of them, by the act, execute to the treasurer of said county, a bond, with two or more sufficient sureties, to be approved of by the said treasurer, in a sum double the amount of that specified in the certificate of appraisal, conditioned for the faithful performance of the duties of the said commissioners, as authorised by this act: ^{Further proviso.} *And provided also,* That the said building and lot shall not be sold for a sum less than that at which the same shall be appraised as aforesaid; and that the deed or other conveyances for the same shall not be delivered until the said apartments in the court-house shall be completed in a manner suitable for the gaol of the said county, and to the satisfaction of the sheriff thereof, who shall file in the office of the clerk of said county, an acknowledgement of such acceptance.

CHAP. CLVI.

AN ACT to amend an act entitled, "*An act concerning the Supreme Court.*"

Passed April 12, 1819.

WHEREAS by the act entitled, "An act concerning the supreme court," passed February 25th, 1813, it is made the duty of the reporter of the supreme court, to furnish one copy of each volume of his said reports, to be delivered to the secretary of state, or to the county clerks, for the use of the court of common pleas of the several counties of this state: *And whereas* counties have been erected and organised since the passing of the aforesaid act, which are not by law entitled to the said reports: Therefore,

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That all the privileges and advantages which were granted by the act aforesaid, to the several counties of this state, at the time of the passing thereof, pertaining to said reports, be and they are hereby granted and extended to the several counties that have been erected and organized since the passing of said act, or that may be hereafter erected and organized.

CHAP. CLVII.

AN ACT to divide the town of Brownville, in the county of Jefferson.

Passed April 12, 1819.

Town of Pamela erected

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly,* That from and after the passing of this act, all that part of the town of Brownville, in the county of Jefferson, lying within the boundaries following, that is to say: Beginning at a point in the centre of Black river, that a due north line would strike the east end of a log house, on the Black river state road, about half way from the village of Brownville to Watertown; thence on said line to the south line of Penett's square; thence east on said line, to the west line of Le Ray; thence south on the said line, to the centre of Black river; thence down the said river to the place of beginning; shall be and the same is hereby erected into a separate town, by the name of Pamela; and that the first town meeting of the said town of Pamela, shall be held at the school-house near Elias Wager, in said town.

II. *And be it further enacted,* That the remaining part of the town of Brownville, shall be and remain a separate town, by the name of Brownville; and that the next town meeting of said town of Brownville, shall be held at the place where the last town meeting was adjourned.

Poor funds divided.

III. *And be it further enacted,* That it shall be the duty of the supervisors and overseers of the poor of the towns of Brown-

ville and Pamela, to meet at the house of William M. Lord, in said town of Brownville, on the second Tuesday of March next, for the purpose of dividing the poor and poor money of said town, according to the value of the real and personal estate of said towns, to be ascertained by the tax list of the preceding year; and each of the said towns shall for ever thereafter keep and support their own poor; and if the said town of Brownville should be in debt at the time of such division of the poor and poor money, the town of Pamela shall be accountable for an equal share of the same, to be ascertained in manner aforesaid.

CHAP. CLVIII.

AN ACT to provide for the purchase of a Bell for the Court-House, in the county of Delaware.

Passed April 12, 1819.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall be the duty of the supervisors of the county of Delaware, at their next annual meeting, to cause to be raised, levied and collected, in said county, the sum of two hundred and fifty dollars, to be by them applied to the purchase and fitting up a bell for the court-house in said county.

CHAP. CLIX.

AN ACT to incorporate the Oxford and Butternutts Turnpike Company.

Passed April 12, 1819.

I. BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That Samuel Kent, Samuel A. Smith, Samuel Cotton, and John Tracy, and all such other persons as shall associate for the purpose of making a good and sufficient turnpike road; to begin at or near the village of Oxford, in the county of Chenango; thence through the town of Guilford, by the most convenient route, to the Unadilla river, at or near Chamberlin's bridge; thence through the town of Butternutts, in the most proper course, to the Sasquehannah river, at or near McDaniel's bridge; he and they are hereby created a body politic and corporate, by the name of "The president and directors of the Oxford and Butternutts turnpike company;" and they are hereby constituted a body corporate and politic, in fact and in name; and by that name they and their successors shall and may have continual succession, and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of complaints, matters and causes; and by the same name and style, shall be in law capable of pur-

Corporation created.

style.

Moneys pay-
able to coun-
ty treasurers.

Their duty.

And compen-
sation.

Superintend-
ent to appor-
tion school
money, and
his duty
therein.

As to new
counties, &c.

IV. *And be it further enacted*, That it shall be the duty of the treasurer of each county, to apply for and receive all such moneys as shall from time to time be apportioned to his county, as soon as may be after the same shall become payable : And on receiving such moneys, it shall be the duty of such treasurer to give notice in writing, as soon thereafter as may be, to the commissioners of common schools, or some or one of them, of each town or city in his county, of the amount of such moneys apportioned as hereinafter directed to such town or city, and to hold the same, subject to the order of the said commissioners : And in case the said commissioners, having such notice, shall not apply for and receive such moneys, so to be apportioned to their town or city as aforesaid ; or in case any such town or city shall not have any such commissioners to apply for and receive such moneys, before the moneys next thereafter payable to such county for the use of common schools shall be received by such treasurer ; such moneys so remaining with such treasurer, shall be apportioned by him among the several towns and cities of his county, in the ratio of the population of such towns and cities, to be ascertained as hereinafter directed, and to be added to and distributed together with the said moneys next thereafter to be received by him as aforesaid : And for receiving and paying all such moneys, such treasurer shall be entitled to the same compensation, to be paid in the same manner, as is, or shall be provided by law, for receiving and paying other moneys, which shall come into his hands ; and he shall account for all such moneys, and be under like penalties and forfeitures for default therein, as is, or shall be provided by law, for or in respect to other sums of money received by him.

V. *And be it further enacted*, That immediately after the passing of this act, it shall be the duty of the superintendent of common schools to apportion the said sum of money, to be distributed as aforesaid, among the several counties of this state, and the several shares of such counties, among the several towns and cities thereof, in the ratio of the population of such counties and towns or cities, as the same is ascertained by the last census of this state, and to give notice thereof, in writing, to each of the clerks of such counties, setting forth the amount of money apportioned to his county, and to each of the towns and cities of his county, and the time when the same shall be payable to the treasurer of said county : And whenever, and as often as the amount of money to be distributed as aforesaid, shall hereafter be increased as aforesaid ; and whenever, and as often as a new census of the population of this state shall hereafter be taken, by authority of this state, or of the United States, it shall be the duty of the superintendent of common schools to make a new apportionment of the said moneys, among the several counties, towns and cities of this state, in the ratio of the population of such counties, towns and cities, as the same shall be ascertained by the then latest census, whether of the United States or of this State ; and to give notice thereof in writing, in the manner aforesaid, at least nine months before the moneys so to be distributed shall be payable : And whenever a new county shall be erected, or any county or counties of this state shall be divided, or in any manner altered, so as to render the appor-

tionment of the said moneys, then last before made to such county or counties, unjust, it shall be the duty of the superintendent of common schools to make, in the manner aforesaid, a new apportionment of the said moneys, between the said new county, and the county or counties so to be divided or altered as aforesaid, and to give notice thereof as aforesaid: And whenever any new town or city shall be erected, or any city, town or towns of this state shall be divided, or in any manner altered, so as to render the apportionment of the said moneys, then last before made to such city, town or towns, unjust, it shall be the duty of the treasurer of the county, within which such city, town or towns shall be, to make, in manner and according to the ratio aforesaid, a new apportionment of the said moneys, between such new city or town, if any such there shall be, and the said city, town or towns, so to be divided or altered as aforesaid; and to transmit or deliver a copy thereof to the clerk of his county, to be filed in his office, and a copy thereof, in like manner, to the clerk of the board of supervisors of his county, to be laid before said board, at their next meeting thereafter: *Provided*, That whenever, by reason of the division, or alteration of any county or counties, or by reason of any error, or deficiency in the said census, the exact population of such counties, or of any other counties, cannot be ascertained by said census, it shall be lawful for the superintendent of common schools to make such apportionment, as aforesaid, among such counties, according to the population thereof, as the same shall be ascertained by the best evidence in his power: *And provided further*, That whenever, by reason of the division, or alteration of any city, town or towns, or by reason of any deficiency in the said census, the exact population of such city or towns, or of any other cities or towns, cannot be ascertained by said census, so as to enable the superintendent of common schools to make said apportionment, it shall be the duty of the treasurer of the county, within which such city, town or towns shall be, to make such apportionment, as aforesaid, among such cities and towns, according to the population thereof, as the same shall be ascertained by the best evidence in his power; and to deliver a true copy thereof to the clerk of his county, to be filed in his office, and a true copy thereof to the clerk of the board of supervisors, to be laid before them as aforesaid. *Further proviso.*

VI. *And be it further enacted*, That whenever the clerk of any county shall receive from the superintendant of common schools, notice of the apportionment of monies to be distributed as aforesaid, he shall forthwith, without fee or reward, file the same in his office, and deliver or transmit a certified copy thereof to the treasurer of his county, and to the clerk of the board of supervisors of his county; and it shall be the duty of the clerk of the board of supervisors of such county, on receiving such notice, and on receiving all other like notices from the treasurer of his county, to exhibit and lay the same before the supervisors of his county, at their next meeting thereafter: And it shall be the duty of the supervisors of such county, at such meeting, and at every annual meeting thereafter, to add to the sum or sums of money to be raised or levied on each of the towns of their county, for defraying the necessary expenses thereof, a sum equal to the sum which shall be *Duty of county clerks, and of boards of supervisors.*

Money pay-
able to coun-
ty treasurer.

Their duty.

And compen-
sation.

Superintend-
ent to appor-
tion school
money, and
his duty
therein.

As to new
counties, &c.

IV. *And be it further enacted*, That it shall be the duty of the treasurer of each county, to apply for and receive all such moneys as shall from time to time be apportioned to his county, as soon as may be after the same shall become payable : And on receiving such moneys, it shall be the duty of such treasurer to give notice in writing, as soon thereafter as may be, to the commissioners of common schools, or some or one of them, of each town or city in his county, of the amount of such moneys apportioned as hereinafter directed to such town or city, and to hold the same, subject to the order of the said commissioners : And in case the said commissioners, having such notice, shall not apply for and receive such moneys, so to be apportioned to their town or city as aforesaid ; or in case any such town or city shall not have any such commissioners to apply for and receive such moneys, before the moneys next thereafter payable to such county for the use of common schools shall be received by such treasurer ; such moneys so remaining with such treasurer, shall be apportioned by him among the several towns and cities of his county, in the ratio of the population of such towns and cities, to be ascertained as hereinafter directed, and to be added to and distributed together with the said moneys next thereafter to be received by him as aforesaid : And for receiving and paying all such moneys, such treasurer shall be entitled to the same compensation, to be paid in the same manner, as is, or shall be provided by law, for receiving and paying other moneys, which shall come into his hands ; and he shall account for all such moneys, and be under like penalties and forfeitures for default therein, as is, or shall be provided by law, for or in respect to other sums of money received by him.

V. *And be it further enacted*, That immediately after the passing of this act, it shall be the duty of the superintendent of common schools to apportion the said sum of money, to be distributed as aforesaid, among the several counties of this state, and the several shares of such counties, among the several towns and cities thereof, in the ratio of the population of such counties and towns or cities, as the same is ascertained by the last census of this state, and to give notice thereof, in writing, to each of the clerks of such counties, setting forth the amount of money apportioned to his county, and to each of the towns and cities of his county, and the time when the same shall be payable to the treasurer of said county : And whenever, and as often as the amount of money to be distributed as aforesaid, shall hereafter be increased as aforesaid ; and whenever, and as often as a new census of the population of this state shall hereafter be taken, by authority of this state, or of the United States, it shall be the duty of the superintendent of common schools to make a new apportionment of the said moneys, among the several counties, towns and cities of this state, in the ratio of the population of such counties, towns and cities, as the same shall be ascertained by the then latest census, whether of the United States or of this State ; and to give notice thereof in writing, in the manner aforesaid, at least nine months before the moneys so to be distributed shall be payable : And whenever a new county shall be erected, or any county or counties of this state shall be divided, or in any manner altered, so as to render the appor-

tionment of the said moneys, then last before made to such county or counties, unjust, it shall be the duty of the superintendent of common schools to make, in the manner aforesaid, a new apportionment of the said moneys, between the said new county, and the county or counties so to be divided or altered as aforesaid, and to give notice thereof as aforesaid: And whenever any new town or city shall be erected, or any city, town or towns of this state shall be divided, or in any manner altered, so as to render the apportionment of the said moneys, then last before made to such city, town or towns, unjust, it shall be the duty of the treasurer of the county, within which such city, town or towns shall be, to make, in manner and according to the ratio aforesaid, a new apportionment of the said moneys, between such new city or town, if any such there shall be, and the said city, town or towns, so to be divided or altered as aforesaid; and to transmit or deliver a copy thereof to the clerk of his county, to be filed in his office, and a copy thereof, in like manner, to the clerk of the board of supervisors of his county, to be laid before said board, at their next meeting thereafter: *Provided*, That whenever, by reason of the division, or alteration of any county or counties, or by reason of any error, or deficiency in the said census, the exact population of such counties, or of any other counties, cannot be ascertained by said census, it shall be lawful for the superintendent of common schools to make such apportionment, as aforesaid, among such counties, according to the population thereof, as the same shall be ascertained by the best evidence in his power: *And provided further*, That whenever, by reason of the division, or alteration of any city, town or towns, or by reason of any deficiency in the said census, the exact population of such city or towns, or of any other cities or towns, cannot be ascertained by said census, so as to enable the superintendent of common schools to make said apportionment, it shall be the duty of the treasurer of the county, within which such city, town or towns shall be, to make such apportionment, as aforesaid, among such cities and towns, according to the population thereof, as the same shall be ascertained by the best evidence in his power; and to deliver a true copy thereof to the clerk of his county, to be filed in his office, and a true copy thereof to the clerk of the board of supervisors, to be laid before them as aforesaid. *Further proviso.*

VI. *And be it further enacted*, That whenever the clerk of any county shall receive from the superintendant of common schools, notice of the apportionment of monies to be distributed as aforesaid, he shall forthwith, without fee or reward, file the same in his office, and deliver or transmit a certified copy thereof to the treasurer of his county, and to the clerk of the board of supervisors of his county; and it shall be the duty of the clerk of the board of supervisors of such county, on receiving such notice, and on receiving all other like notices from the treasurer of his county, to exhibit and lay the same before the supervisors of his county, at their next meeting thereafter: And it shall be the duty of the supervisors of such county, at such meeting, and at every annual meeting thereafter, to add to the sum or sums of money to be raised or levied on each of the towns of their county, for defraying the necessary expenses thereof, a sum equal to the sum which shall be *Duty of county clerks, and of boards of supervisors.*

last apportioned as aforesaid, to each of such towns, with the addition thereto of five cents on a dollar of said sum, for collecting fees, and to cause the same to be collected, within the same time, and in the same manner, as the other sums to be raised and levied on said towns, are by law to be collected; and to cause and require the collector of each of said towns, by their warrant to him, to pay the same, when collected, retaining his fees for collection, to the commissioners of common schools in such town, or to some or one of them, for the use of common schools therein, whose receipt therefor shall be good and sufficient evidence of such payment:

Provide: *Provided*, That if there shall not be any commissioners of common schools in such town, at the time such moneys shall be collected as aforesaid, it shall be the duty of the collector of such town, to pay the same, retaining his fees for collection as aforesaid, to the treasurer of his county, to be by him apportioned among the several towns and cities of his county, according to the population thereof, to be ascertained as herein before directed, and added to, and distributed with, the moneys next thereafter to be received and distributed by him in pursuance of this act.

Town meetings may agree to raise certain sums, &c.

VII. *And be it further enacted*, That in every case in which the freeholders and inhabitants of any town, at their annual meeting, by a vote of said meeting, shall agree to raise a sum, for the support of common schools in their town, not exceeding the amount required by this act to be raised on such town, then and in such case, it shall and may be lawful for the board of supervisors of the county in which such town is situated, to cause and require the sum, so voted to be raised by such town, to be levied, collected and paid, in the same manner as is provided in and by the preceding section of this act.

Duty of collectors.

VIII. *And be it further enacted*, That the collector of each town shall account for the moneys, so to be collected and paid by him as aforesaid, in the same manner; and in case of his default in collecting, paying, or accounting for the same, he shall be liable to the same penalties and course of procedure, as is or shall be provided by law, for or in respect to the collection or payment of other sums of money, to be raised or levied on such town for defraying the necessary expenses thereof; and the supervisors of each county shall severally be liable to the same penalties, for refusal or neglect to perform any duty required of them by this act, as is provided for refusal or neglect to perform other duties, in and by the tenth section of the act entitled, "an act for defraying the public and necessary charges in the respective counties of this state, and for other purposes."

Penalty on supervisors.

Commissioners and inspectors of schools to be chosen in each town.

IX. *And be it further enacted*, That the freeholders and inhabitants of each and every town in this state, who are, or shall be qualified by law to vote at town meetings, shall annually, at their annual town meeting, or at any special town meeting for that purpose to be called, choose three of the inhabitants of their town, being freeholders, to be commissioners of common schools in such town; also three other persons, being inhabitants of such town, who, together with the commissioners aforesaid, shall be inspectors of common schools in such town; which said commissioners and inspectors shall be chosen by ballot, and shall hold their respective

offices until the next annual town meeting after their election, and until others shall be chosen and qualified in their places : And in case any of the said officers, so chosen or to be chosen as aforesaid, in any such town, shall refuse to serve, or die, or remove out of the town, or become incapable of serving, before the next annual town meeting, the vacancy, consequent thereon, shall be supplied in the same manner as is or shall be provided by law, for supplying similar vacancies, in other town offices ; and each of the officers so to be chosen or appointed to supply such vacancy as aforesaid, shall hold his office in the same manner as if he had been elected to the same office, by the freeholders and inhabitants of such town at their annual town meeting.

X. *And be it further enacted*, That each of the said officers, ^{To take an oath.} so to be chosen or appointed as aforesaid, shall, before he enters upon the execution of his office, and within fifteen days after his election or appointment as aforesaid, take and subscribe an oath, before some justice of the peace, in the form following, that is to say : " I _____, do solemnly and sincerely promise and swear, (or affirm, as the case may be,) that I will, in all things, to the best of my knowledge and ability, well and truly execute the trust reposed in me, as commissioner, (or inspector, as the case may be,) of common schools for (here insert the name of the town and county) without favor or partiality ;" and every justice of the peace, before whom such oath shall be taken and subscribed as aforesaid, shall, without fee or reward, certify under the same, in writing, the day and year when the same oath shall be taken, and subscribe his name thereto, and then deliver such writing to the person taking such oath, who shall, within eight days thereafter, transmit or deliver the same to the clerk of the town, for which such officer, so taking such oath, was elected or appointed, to be by him filed in his office without fee or reward : And if any such officer, so chosen or appointed, shall not take and subscribe such oath, and transmit or deliver the same to the clerk of the town, ^{Penalty for neglect.} within the time for that purpose limited as aforesaid, such neglect shall be deemed a refusal to serve in such office ; and if any person, so chosen or appointed to such office, shall refuse to serve therein, or shall serve therein before he shall have taken and subscribed such oath as aforesaid, then and in every such case, such person shall forfeit and pay the sum of ten dollars, to be recovered, with costs of suit, before any justice of the peace having jurisdiction thereof, by action of debt, to the use of the common schools of the town for which such officer was chosen or appointed as aforesaid, to be paid to the commissioners of such schools ; and it shall be the duty of the supervisor of such town to prosecute for such penalty in his own name, and to pay the same, when recovered, to the said commissioners.

XI. *And be it further enacted*, That the town clerk shall, by ^{Duty of town clerks.} virtue of his office, be the clerk of the commissioners of common schools in each town ; and that it shall be his duty, as such clerk, to receive and keep all reports made to the said commissioners from the trustees of school districts, and all books, records, writings and papers, belonging to the said commissioners ; to attend all their meetings, and to prepare, under their direction, and enter

in the town records, or in a book to be provided for that purpose, all reports, estimates, and apportionments of school money to be made by them, and to record all other of their proceedings under this act; to receive all such communications as may be directed to him by the superintendent of common schools, and to dispose of the same in the manner directed; to transmit to the clerk of his county all such reports as may be made to him by the commissioners of common schools aforesaid; and, generally, to do and receive all such acts, matters, and things, as appertain to his office and duty; and for all such services, he shall be entitled to such compensation, as the board of supervisors of his county, on his accounts therefor to be presented to and audited by them, shall allow; and such compensation, being so allowed, shall be considered a part of the necessary expenses of his town, and be raised, collected and paid, in the same manner as other necessary town expenses are by law to be paid; and upon his death, or the expiration of his office as town clerk, all records, books, writings and papers, belonging to his office as clerk of the commissioners aforesaid, shall pass and be delivered to his successor in office, in the same manner, at the same time, and under like penalties and forfeitures for refusal or neglect, to be recovered in like manner, and to and for the same uses, as is or shall be provided by law for or in respect to the records, books, writings and papers, belonging to his office as town clerk.

Towns to be
divided into
school dis-
tricts.

XII. *And be it further enacted*, That it shall be the duty of the commissioners of common schools, or the major part of them, to divide their respective towns into a suitable and convenient number of school districts; and to alter and regulate the same as hereinafter provided: And whenever it may be convenient and necessary to form a district out of two or more adjoining towns, it shall and may be lawful for the commissioners aforesaid, or the major part of them, from each of such adjoining towns, to form such district, and to alter and regulate the same as aforesaid: And wherever it has been usual, or shall hereafter be found convenient and proper, for any neighborhood, or part of any town, adjoining to any other state, to send their children to a school in such adjoining state, it shall be lawful for the commissioners of common schools, in such town, or the major part of them, to set off such neighborhood, or part of such town, by itself, for the purpose aforesaid, and to alter and regulate the same as aforesaid: And it shall be the further duty of the commissioners of common schools, immediately after the formation or alteration of any such school district in their respective towns, to describe and number the same, and to deliver the description and number thereof, in writing, to the clerks of their respective towns, who are hereby required to receive and record the same, in the town records, without fee or reward: And where a district shall be formed out of two or more adjoining towns, or the same shall be altered as aforesaid, a description and number thereof, and a description of the part thereof in each of such towns, shall be made and delivered as aforesaid; by the commissioners of common schools of each of such towns, to the respective clerks thereof, to be filed and recorded as aforesaid: And whenever a neighborhood, or part of any town adjoining to any other state,

shall be set off by itself as aforesaid, a description thereof shall be made and delivered as aforesaid, to the clerk of such town, to be by him filed and recorded as aforesaid: *Provided*, That no alteration of any school district, to be made by the commissioners aforesaid, without the consent of the trustees thereof, shall be operative, or take any effect, until the expiration of three calendar months after notice, in writing, of such alteration, shall be made by the said commissioners, or some one of them, and served on the trustees of such district, or some or one of them.

XIII. *And be it further enacted*, That whenever any school district shall be formed in any town, by the commissioners of common schools, it shall be the duty of some or one of the said commissioners, within twenty days thereafter, to make a notice in writing, describing such district, and appointing a time and place for the first district meeting, and to deliver such notice in writing to some one of the freeholders or inhabitants, liable to pay taxes, residing in such district, whose duty it shall be to notify each freeholder or inhabitant residing in such district, liable to pay taxes, by reading such notice in the hearing of each such freeholder or inhabitant, or in case of his absence from home, by leaving a copy thereof, or of so much thereof as relates to the time and place of such meeting, at the place of his abode, at least six days before the time of such meeting; and if any such freeholder or inhabitant shall neglect or refuse to give such notice, he shall forfeit and pay the sum of five dollars, to be recovered, with costs of suit, before any justice of the peace having cognizance thereof, by action of debt, the one moiety thereof to the use of the common schools of the town, where such district shall be situated, to be paid to the commissioners of such schools, and the other moiety thereof, with costs of suit, to the use of any person who shall prosecute for the same to effect: And in case such notice shall not be given as aforesaid, or the freeholders and inhabitants of such district, when so notified, shall refuse or neglect to assemble or form a district meeting in pursuance of such notice, or in case any such district, having been formed and organized in pursuance of such notice, shall afterwards be dissolved, so that no competent and lawful authority shall exist therein, to call a special district meeting of the freeholders and inhabitants thereof, in the manner hereinafter prescribed, it shall and may be lawful for the commissioners aforesaid, or any one of them, to renew such notice; which notice being so renewed, shall be delivered to some one of the said freeholders or inhabitants of such district, in manner aforesaid, whose duty it shall be to serve the same in manner aforesaid, on pain of like penalty and forfeiture for neglect thereof, to be recovered in like manner, and for the like uses as aforesaid.

Town meetings how to be formed and organized, &c. penalties for neglects.

XIV. *And be it further enacted*, That the commissioners of common schools in each town shall be enabled to hold any real estate, or other property, which has been, or shall hereafter be granted to them for the use and benefit of the common schools in their town; and such property shall be to them and their successors in office, for the use and benefit aforesaid, in the same manner as if they were a body politic and corporate in law.

Real estate held by commissioners to go to their successors.

County treasurers to pay commissioners certain moneys.

XV. And be it further enacted, That it shall be the duty of the commissioners of common schools for each town, to apply for and receive from the treasurer of their county, all moneys which shall be apportioned and payable to their town, for the use of common schools, as soon as may be after the same shall be apportioned and payable as aforesaid: And whenever such moneys, or any other moneys, shall be received by them for the use of common schools, it shall be their duty to meet together, with their town clerk, and **Proviso.** to apportion the same according to law: *Provided,* That such apportionment shall not be made, in any year, before the time appointed by law for the trustees of school districts to make their annual district reports, shall have expired: And all such moneys shall be apportioned by the said commissioners, or a majority of them, at such meeting, among the several school districts and parts of school districts, lying within their town, which shall remain organized according to law, (and the trustees of which shall have made to the said commissioners, within the time for that purpose hereinafter limited, the necessary district report, containing all the requisites as hereinafter provided,) according and in proportion to the number of children, between the ages of five and fifteen years inclusive, living in each such district, and in each such parts of districts, as the same shall appear from the said district report to be made as aforesaid: And where a neighborhood, or part of any town, adjoining to any other state, shall be set off by itself as aforesaid, and shall have complied with the provisions of this act, by electing one trustee and making the necessary report as hereinafter required, such neighborhood, or part of such town, shall be entitled to its share of such moneys, according to the number of children, between the ages aforesaid, living in such neighborhood, or part of such town, as the same shall appear from the report of the trustee of such neighborhood to be made as aforesaid: And all such moneys, when so apportioned by the said commissioners, shall be paid by them, according to such apportionment, to the trustees, or some or one of them, of the district or neighborhood to which the same shall be apportioned, immediately after such apportionment; and in case the same shall not be so paid, on any lawful demand made therefor, it shall and may be lawful for the said trustees to sue for and recover the same from the commissioners, in whose hands the same shall be, by action for money had and received to the use of their district: *Provided always,* That no part of any such moneys shall be apportioned or paid to any such district, or part of such district, unless it shall appear from the said report of the trustees thereof to be made as aforesaid, that a school hath been kept in said district, for at least three months during the year ending on the day of the date of said report, and since the date of their last report, by an instructor duly appointed and approved in all respects according to law; and, that all moneys received for said district from the commissioners of common schools, during said year and since the date of their last report, have been faithfully applied in paying the wages of such instructor: *And provided further,* That no part of such moneys shall be apportioned or paid to any such neighborhood, or part of any town, adjoining to any other state, which shall be set off as aforesaid, un-

Apportionment how made.

Further Proviso.

less it shall appear from the said report of the trustee thereof to be made as aforesaid, that all moneys received for such neighborhood, from the said commissioners, during the year ending on the day of the date of said report, and since the date of the last report, have been faithfully applied in paying for the instruction of children residing in said neighborhood, or part of such town: And all moneys which shall be apportioned by the said commissioners to any such district, part of such district, or neighborhood as aforesaid, and which shall remain in their hands unpaid, for the space of one year, after notice of such apportionment shall be given to the trustees, or some or one of them, of such district or neighborhood, by reason of the neglect or refusal of such trustee to receive the same, shall, after the expiration of such year, be added to the moneys next thereafter to be apportioned by the said commissioners, and be apportioned and paid together with such moneys as aforesaid: And in case any moneys, which shall come into the hands of the commissioners aforesaid, for the use of the common schools of their town, cannot be apportioned by them, for the space of two years thereafter, by reason of the non-compliance of all the school districts in their town with the provisions of this act; all such moneys, so remaining not apportioned for the said space of two years, shall be returned and paid, by the said commissioners, to the treasurer of their county, to be by him apportioned and distributed, together with the moneys next thereafter to be received by him for the use of common schools, in the same manner as is herein before provided, in case of moneys paid to him, for the use of common schools, by the collector of any town in his county.

XVI. *And be it further enacted*, That it shall be the duty of the commissioners of common schools in each town, between the first day of July and the first day of October, in each year, to make and transmit to the clerk of their county, a report, in writing, containing the whole number of school districts, and parts of school districts, lying in their town, and distinguishing therein, the districts and parts of districts, from which the necessary district reports shall have been made to them, within the last period of time for that purpose limited, as hereinafter provided, and specifying the whole length of time a school shall have been kept in each of such districts and parts of districts, and distinguishing therein, what portion of that time the school shall have been kept by qualified teachers; specifying also the amount of public moneys received in such district, the number of children taught therein, and the number of children between the ages of five and fifteen years inclusive, living therein, as the same shall appear from the said district reports; and specifying also, the whole amount of moneys received by them, the said commissioners, or their predecessors in office, for the use of common schools, during the year ending on the date of their report, and since the date of their last preceding report, and distinguishing therein the amount of such moneys received from the county treasurer, the amount thereof from the town collector, and the amount thereof from any other, and what source; specifying also, how such moneys have been expended, and whether any, and what part thereof remains unexpended, and for what cause: And if the said commissioners shall refuse or Further duty of commissioners in making reports, &c. Penalty.

district, in which such teacher shall be employed, shall, on receiving any such notice, show, to the satisfaction of the said inspectors, that their contract with such teacher was made before such notice was given to them, and shall express a desire to continue such teacher until the expiration of such contract, it shall not be lawful for the said inspectors to annul the said certificate until the expiration of the said contract: *Provided however*, That such contract shall not extend beyond the term of three months from the time of giving such notice. : *And provided further*, That the annulling of any such certificate, as aforesaid, shall not render the teacher, to whom the same was given, unqualified within the meaning of this act, until a note or memorandum thereof in writing, containing the name of the teacher whose certificate is annulled, and the time when the same was annulled, shall be made by the said inspectors, or some or one of them, and filed in the office of the clerk of their town.

Further provisions.

Further provisions.

Duty of inspectors of schools.

XIX. *And be it further enacted*, That it shall be the duty of the said inspectors, to visit all such common schools within their town, as shall be organized according to law, at least once a year, and oftener if they shall deem it necessary, and to examine into the state and condition of such schools, both as respects the proficiency of the scholars and the good order and regularity of the schools, and from time to time, to give their advice and direction to the trustees and teachers of such schools, as to the government thereof, and the course of studies to be pursued therein : And such visitation may be made by any one or more of the said inspectors, and to that end, each of the said inspectors, by agreement with or direction of the other inspectors, may be assigned to a certain number of school districts, which it shall be his duty, in a special manner, to visit and inspect as aforesaid.

Town meetings to choose moderators, clerks, three trustees of districts, and one collector.

XX. *And be it further enacted*, That whenever any school district shall be formed by the commissioners of common schools, of any town, and notice of the time and place of the first district meeting, shall be served on the freeholders and inhabitants of such district, as herein before provided, it shall be the duty of the said freeholders and inhabitants of such district, liable to pay taxes, to assemble together in pursuance of such notice ; and when so assembled in district meeting, or when lawfully assembled at any other legal district meeting, it shall and may be lawful for them, or a majority of such of them as shall be present at any such district meeting, to appoint a moderator for the time being, to adjourn from time to time, as occasion may require, to fix on a time and place for holding their future annual meetings, which annual meetings they are hereby authorised and required to hold, to choose one district clerk to keep the records and proceeding of such meeting, also three trustees to manage the concerns of such district, and one district collector ; also to designate a site for their school-house, to vote such a tax on the resident inhabitants of their district as they, or a majority of such of them as shall be present as aforesaid, shall deem sufficient to purchase a suitable site for their school house, and to build, hire or purchase such school house, and to keep in repair and furnish the same with necessary fuel and appendages ; also to empower and instruct their trustees, as to the

Site for school house, tax, &c.

collection of moneys due for instruction, and the exoneration of poor and indigent persons from the payment thereof, as is herein-after provided; and to repeal, alter, regulate and modify all such proceedings, or any part thereof, from time to time, as occasion may require: *Provided however*, That no tax, to be voted by such district meeting, for building, hiring or purchasing a school house in their district, shall exceed the sum of four hundred dollars, unless the commissioners of common schools, or the major part of them, of the town in which such school house is to be situated, shall certify, in writing, that in their opinion a larger sum ought to be raised by such tax for the purpose aforesaid, and what sum would, in their opinion, be sufficient for that purpose; and in case such certificate shall be so made, no sum, exceeding the sum therein specified, shall be raised by such tax for the purpose aforesaid: *And provided further*, That whenever the site of a school house shall be designated, as herein before directed, and a school house shall be built thereon, such site shall not be altered, or the school house thereon removed to any other place, by such district, without a certificate, in writing, from the commissioners of common schools, or the major part of them, of the town in which such school house is situated, that such alteration or removal is, in their opinion, necessary and proper: And it shall and may be lawful for the trustees of any school district, or a major part of them, acting as such trustees, whenever they shall deem it necessary, to call a special meeting of the said freeholders and inhabitants of their district, notice thereof being given as hereinafter provided; and no district meeting, held by virtue of this act, shall be taken or deemed illegal, for defect or want of due notice to a part of the said freeholders or inhabitants of such district, provided the omission to give such notice be not wilful and designed.

Proviso.

Further proviso.

XXI. *And be it further enacted*, That if any person, not liable to pay taxes as aforesaid, shall vote in any district meeting for granting of taxes, for choice of officers, or for any other matters contemplated by this act, such person so offending, shall forfeit and pay the sum of ten dollars, to be recovered with costs of suit, before any justice of the peace having jurisdiction thereof, in the name of the commissioners of the district in which such vote shall have been given, and it shall be the duty of the said trustees to prosecute for the said penalty, and to apply the same, when recovered, to the use of the common school in their district.

Penalty on unqualified voters.

XXII. *And be it further enacted*, That the clerk, trustees and collector, of each school district, shall hold their respective offices until the annual meeting of such district next following the time of their appointment, and until others shall be appointed in their places: And in case such offices, or any of them, shall be vacated by the death, refusal to serve, removal out of the district, or incapacity of any such officer, and such vacancy shall not be supplied by the district, at a special or other district meeting, within one month thereafter, it shall and may be lawful for the commissioners of common schools, for the town in which such district shall be situated, to supply such vacancy by the appointment of any person residing in such district; and such appointment shall have the same effect, to all intents and purposes, as if the same had been

Continuance of officers in office.

made by the district, at any legal district meeting : And every person, who shall be duly chosen or appointed as aforesaid, to serve in any such office, and shall refuse to serve therein, shall forfeit and pay the sum of five dollars, to be recovered, with costs of suit, by action of debt, in the name of the commissioners of common schools for the town in which such person shall reside, or in the name of any other person, before any justice of the peace having cognizance thereof ; and such sum, when so recovered, shall be paid to the commissioners aforesaid, for the use of the common schools in such town : And every person, who, being duly chosen or appointed as aforesaid, to serve in any such office, and having accepted thereof, or not declared his refusal to accept, shall neglect the performance of the duties of such office, shall forfeit and pay the sum of ten dollars, to be recovered, with costs of suit, in the manner aforesaid, and for the use aforesaid.

Penalty.
Clerk of district to keep proceedings.

XXIII. *And be it further enacted*, That it shall be the duty of the clerk of each school district to keep the records and proceedings of his district, in a book to be provided for that purpose, and to enter therein true copies of all reports made by the trustees of his district, to the commissioners of common schools : And whenever a special district meeting shall be called by the trustees of such district, it shall be the duty of such clerk, or if there be no clerk, or he is absent or incapable of acting, then of the said trustees, to give notice of the time and place of such special district meeting, to each of the freeholders and inhabitants of such district liable to pay taxes, as aforesaid, at least five days before such meeting shall be held : And in case any such freeholder or inhabitant shall be absent from home, such notice to him shall be left in writing, at the place of his abode : And when any district meeting shall be adjourned for a longer time than one month, it shall be the duty of the clerk of such district, or if there be no clerk, or he be absent or incapable of acting, then of the said trustees, to put up a notice, in writing, of the time and place of such adjourned meeting, in at least four of the most public places of such district, at least five days before the time appointed for such meeting ; and notice shall be given in like manner, of every annual meeting to be held in such district : And it shall be the further duty of such clerk, whenever his district shall be destitute of a teacher, to give notice thereof (if so directed by the trustees) in writing, or otherwise, to the superintendent of common schools, stating, as far as practicable, the terms and conditions on which it is proposed to employ such teacher : And it shall be the further duty of such district clerk to keep and preserve all records, books, writings, and papers belonging to his office ; and on the expiration of his time of service, to deliver the same to his successor in office, in the same manner as the town clerk is required by law to deliver all records, books and papers, belonging to his office, to his successor in office.

Further duty
Power and duties of collectors, and to give bonds &c.

XXIV. *And be it further enacted*, That the collector of each school district shall have the same power and authority, and shall proceed in the same manner, in collecting all monies, required to be collected in his district, and shall be allowed the same fees therefor, as are, or shall be provided by law, for or in respect to the

town collector, in collecting any moneys in his town : And such district collector shall, if thereunto required by the trustees of his district, or the major part of them, execute and deliver to such trustees, or to some or one of them, a bond, with one or more sureties, to be approved of by such trustees, or some or one of them, in double the amount of the taxes, or other moneys to be collected by him, and conditioned for the due and faithful execution of the duties of his office : And in case of his refusal or neglect to execute and deliver such bond, within such time, not less than ten days, as shall be allowed to him for that purpose by the said trustees, his office of collector shall thereby be vacated ; and thereupon it shall and may be lawful for the said trustees, or the major part of them, to appoint any other person, residing in their district, to supply such office so vacated : And such person being so appointed, shall hold his office in the same manner, to all intents and purposes, as if he had been chosen to said office by the freeholders and inhabitants of his district, in legal district meeting : And it shall be the duty of the collector of each school district, when thereunto lawfully required by warrant from the trustees of his district, to collect and pay over to them all moneys which he shall be so required, by such warrant to collect and pay over to them, according to the command, and within the time therein contained : And in case he shall refuse or neglect to collect and pay over to the said trustees any such moneys, which might by due diligence have been collected and paid over to them, by him, within the time required by said warrant, he shall be liable to pay to the said trustees of his district, the amount of all such moneys, which he shall have so refused or neglected to collect and pay over as aforesaid, and the same may be sued for and recovered, with costs of suit, in any court having cognizance thereof, by action of debt, in the name of the said trustees, or any or either of them, for the use of their district.

XXV. *And be it further enacted*, That it shall be the duty of the trustees of each school district, whenever a district meeting shall have voted a district tax, or as soon thereafter as may be, to make out a rate bill thereof, or tax list, which shall contain the names of all the taxable inhabitants residing in their district, at the time of making out such rate bill or tax list, and the amount of tax, payable by each of said inhabitants, set opposite to their respective names : And every person owning, or holding, any real estate lying within such district, who shall improve and occupy the same by his agent or servant, shall, (in respect to such estate, and within the meaning of this act,) be taken and considered a taxable inhabitant of such district, within which such estate shall be so occupied by him, in the same manner as if he actually resided therein : And in making out such rate bill, or tax list, the said trustees shall so apportion said tax, as to raise the same, with five cents on every dollar thereof for collector's fees, on all the said taxable inhabitants residing in such district, at the time of making out such rate bill or tax list as aforesaid, according and in proportion to the valuations of the taxable property, which shall be owned or possessed by them, at the time last aforesaid, within such district, or which, being intersected by the boundaries of such district, shall be so owned or possessed by them, partly in such dis-

Duty of trustees.

Rate bill.

Valuations.

district, and partly in any adjoining district ; provided, that where any such property shall be owned by one of the said inhabitants and possessed by any other, only one of them shall be taxable therefor : And the valuations of such property shall be ascertained and taken from the then last assessment roll of the town, so far as the same can be ascertained and taken therefrom ; and none of the said inhabitants shall be entitled to any reduction in the valuations of such property, contained in the said last assessment roll of the town, unless they shall give notice of their claim to such reduction to the trustees aforesaid, before the rate bill or tax list aforesaid shall be made out by them : And in all cases in which such reduction shall be claimed by any of the said inhabitants, and notice thereof shall be given as aforesaid, and in all cases in which the valuations of such property cannot be ascertained and taken from the said last assessment roll of the town, it shall and may be lawful for the trustees aforesaid, to inquire into, and ascertain the same, from the best evidence in their power, giving notice thereof to the person or persons affected thereby, and proceeding therein in the same manner as the town assessors are required by law to proceed in the valuations of taxable property : And whenever any such rate bill or tax list shall be made out and completed as aforesaid, it shall thereupon be the duty of the said trustees, to annex to such rate bill or tax list, a warrant, and to deliver the same to the district collector ; which warrant shall be substantially as followeth : “ County of ss. To the collector of school district number in the town of in the county aforesaid, Greeting. In the name of the people of the state of New-York, you are hereby commanded and required to collect, from each of the inhabitants of said district, in the annexed tax list named, the sum of money set opposite to his name in said list, and within thirty days after receiving this warrant, to pay the amount thereof collected by you, (retaining your fees for collection,) into the hands of the trustees of said district, or some or one of them, and take his or their receipt therefor : And if any of the said inhabitants shall refuse or neglect to pay said sum, after lawful demand thereof, you are hereby further commanded to levy the same by distress and sale of the goods and chattles of such delinquent, together with the costs and charges of such distress and sale, according to law. Given under our hands and seals, this day of 181

Form of warrant.

(L. S.) }
 (L. S.) } Trustees.”
 (L. S.) }

May be renewed.

And if the sum or sums of money payable by any person named in any such tax list or rate bill, shall not be paid by him, or collected by virtue of the said warrant, within the time therein limited, it shall be lawful for the trustees aforesaid, to renew such warrant in respect to such delinquent person, or in case such person shall not reside within their district, at the expiration of such warrant, and no goods or chattles can be found therein, whereon to levy the same, it shall and may be lawful for the said trustees, to sue for, in their own names, and recover from such person, the amount of such tax with costs of suit, by action of debt, in any court having cognizance thereof.

XXVI. And be it further enacted, That it shall be the duty

of the trustees of each school district, whenever a district meeting shall have voted a tax for that purpose, and the same shall be collected and received by them, to purchase a site for their school house, as designated by their district, and to build, or purchase, keep in repair and furnish, such school house with necessary fuel and appendages : And it shall be their further duty to have at all times the custody and safe keeping of their district school house ; to agree with and employ all teachers to be employed therein : And it shall be the further duty of the trustees aforesaid, to pay the wages of such teachers, out of the monies which shall come into their hands from the commissioners of common schools, so far as such moneys shall be sufficient for that purpose, and the residue of the wages of such teachers shall be collected by the trustees of such district, unless such teacher shall agree to collect the same, from all such persons as shall be liable therefor respectively : And it shall and may be lawful for the trustees of such district, when thereunto authorised and empowered by a any legal meeting of such district, or a majority of such meeting, to exonerate from the payment of the wages of such teachers, or the residue aforesaid of such wages, all such poor persons, within their district, as they shall think proper ; and to collect the whole of the said wages, or the whole of the residue thereof aforesaid, from all such other persons as shall not be so exonerated therefrom, and shall be liable therefor as aforesaid : And it shall and may be lawful for the trustees aforesaid, when thereunto authorised and empowered as aforesaid, to ascertain and settle, as often as they shall think proper, by examination of the returns or school lists of their teacher, by him for that purpose to be kept and certified on oath, before any justice of the peace, to be just and true, the number of days for which each such person, not so exonerated as aforesaid, shall be liable to pay for instruction, and the amount payable by each such person, according to such liability, and to make out a rate bill, which shall contain the name of each such person liable to pay for instruction as aforesaid, and not so exonerated therefrom as aforesaid, together with the amount payable by each such person, according to such liability, with the addition thereto of five cents on each on each dollar for collector's fees ; and to annex to such rate bill, a warrant, in the same manner and form, as is provided in the last preceding section of this act, in cases of rate bills or tax lists therein mentioned ; and to deliver such rate bill, with such warrant thereunto annexed, to the collector of such district, who shall execute the same, in the same manner as it is provided for other warrants to be directed and delivered to him : And it shall be the further duty of the trustees aforesaid, whenever they shall exonerate any person or persons from the payment of any wages, by virtue of the such aforesaid powers, to certify their proceedings therein, and deliver such certificate to the clerk of such district, to be kept on file in his office.

Further powers and duties of trustees.

XXVII. *And be it further enacted*, That it shall be the duty of the trustees of each school district, annually, after the first day of January, and on or before the day appointed by law for the annual town meeting in their town, to make and transmit to the commissioners of common schools for the town in which their district shall be situated, (by delivering the same into the hands of the town clerk,) Their further powers and duties.

a report in writing, to be signed by them or a majority of them, and certified to be just and true, specifying the whole time any school has been kept in their district, during the year ending on the date of such report, and since the date of their last preceding report, and distinguishing therein what portion of such time their school has been kept by teachers duly appointed and approved in all respects according to law ; specifying also the amount of moneys received in their district, from the commissioners of common schools, during the said year ending as aforesaid, and since the date of their last preceding report, and the manner in which such moneys have been expended ; also the number of children taught in their district, during said year and since the date of their said last preceding report, and the number of children residing in their district, on the first day of January next preceding the time of so making their report, between the ages of five and fifteen years inclusive, except Indian children otherwise provided for by law : And where a school district shall be formed out of two or more adjoining towns, it shall be the duty of the trustees of such district to make and transmit a report, within the same time and in like manner and form, to the commissioners of common schools for each of the towns out of which their district shall be formed, and further, to specify and distinguish in such report, the number of children, between the ages aforesaid, residing in each part of their district, which shall lie in a different town from any other part thereof, and as near as may be, the number of such children taught as aforesaid, and the amount of moneys received as aforesaid, for each part of their district : And where any neighbourhood, or part of any town adjoining to any other state, shall be set off by the commissioners of common schools, for the purpose of sending their children to a school in such adjoining state, it shall and may be lawful for the freeholders and inhabitants of such neighbourhood, or part of such town, annually to meet together and choose one trustee, whose duty it shall be, annually, within the time limited for making all district reports, to make and transmit to the commissioners of common schools of the town from which such neighbourhood shall be set off, a report in writing, specifying the number of children between the ages aforesaid, residing in such neighbourhood, the amount of money received from the said commissioners, since the date of his last preceding report, and the manner in which the same has been expended.

Penalty on
trustees for
false reports.

XXVIII. *And be it further enacted*, That if the trustees of any school district, or any or either of them, shall make a false report to the commissioners of common schools for their town, by means whereof any moneys shall be fraudulently obtained from the said commissioners, or unjustly apportioned by them, every such trustee, signing such false report, shall forfeit and pay the sum of twenty-five dollars to the commissioners of common schools for the town in which such trustee shall be appointed or chosen, to be recovered, with costs of suit, by action of debt, on this statute, before any justice of the peace having cognizance thereof, in the name of the said commissioners, or some or one of them, and such sum exclusive of the costs of suit, shall be applied, when recovered, by the said commissioners, to the use of the common schools of of their town.

XXIX. *And be it further enacted,* That all property which has heretofore been granted to any school district, or to any former trustees of any school district, for the use and benefit of their district school, shall be taken and deemed to be vested in the present trustees of such school district, for the use and benefit of their school, in the same manner as if such property had been granted to them for such use and benefit; and the trustees of any school district shall be enabled to hold any property so vested in them as aforesaid, or which has heretofore been granted to them, or shall hereafter be granted to them, for the use and benefit of their district school, and such property shall be to them, and their successors in office, in the same manner as if they were a body politic and corporate in law.

Property of school districts how vested.

XXX. *And be it further enacted,* That the trustees of each school district shall, on the expiration of their respective offices, exhibit and render to their district, in district meeting convened, and to their successors in office, a just and true account in writing, of all moneys received by them respectively, for the use of their district, and in what manner the same shall have been expended by them, and such account shall be delivered to the district clerk, and kept on file by him; and if it shall appear from any such account, that any balance of the moneys, received as aforesaid, shall remain in the hands of the said trustees, or any of them, at the time such account shall be exhibited as aforesaid, the same shall be paid, immediately thereafter, by the trustee, or trustees, in whose hands the same shall be found as aforesaid to be, to the said successors in office, or some or one of them; and if any such trustee shall refuse or neglect to exhibit and render such account as aforesaid, or pay over as aforesaid, any balance which shall be found in his hands as aforesaid, he shall forfeit and pay the sum of twenty-five dollars, to be recovered, with costs of suit, in any court having jurisdiction thereof, by action of debt, in the name of the said successors in office, or any one of them, or in the name of any other person; and such sum, when so recovered, shall be paid to, and applied by, the said successors in office, to the use and benefit of their district school; and it shall and may be lawful for the said successors in office, or any one of them, to sue for, in his or their own name, and to recover against the said trustee, or trustees, his or their executors or administrators, in whose hands any such balance shall be found, in the manner aforesaid, or can be legally proved in any other manner to be, and which shall not have been paid over by him or them to the said successors in office as aforesaid, the amount of such balance, together with the interest thereon from the time the same ought to have been paid as aforesaid, with costs of suit, by action for money had and received to the use of their school district, in any court having cognizance thereof; and such moneys, so to be recovered, shall be applied to the use of the said district, in the same manner as if the same had been paid over as aforesaid without suit; And all bonds, or other securities taken by any trustee or trustees from the collector of their district as hereinbefore provided, shall, on the expiration of his or their office, be assigned in writing and delivered over by him or them to his or their successors in office; and such assignment shall enable such succes-

Trustees to render an account.

Liable for refusal, &c.

B'ds how disposed of.

sors in office, in their own names as assignees thereof, to sue and recover on said bond, in the same manner as if it had been originally executed to them.

Tax for building school houses refunded to such as are detached to another district.

XXXI. *And be it further enacted,* That if any person has paid, or shall hereafter pay, under a lawful assessment in any school district, a district tax for building a school house therein, and such person shall, within four years previous to the time of paying such tax, have been detached and set off from any other district, by the commissioners of common schools, without his or her consent, or request, and shall have actually paid in such other district, within the said four years, under a lawful assessment therein, a district tax for building a school house in such other district, and shall within a reasonable time, make affidavit of such facts before any magistrate, and lay the same before the commissioners of common schools, or any two of them, for the town in which the district from which he or she shall have been detached and set off as aforesaid, and in which he or she shall have paid such district tax as aforesaid, shall be situated; and if such commissioners shall be satisfied that the facts set forth in such affidavit are true, and that the tax or any part thereof, paid by such person as aforesaid, for building a school house in the district from which he or she shall have been detached as aforesaid, ought, under all circumstances to be considered by them, to be refunded to such person by such district, it shall and may be lawful for the said commissioners, or any two of them, to direct and require the trustees of such district to refund the same accordingly, within a given time, to be fixed by them the said commissioners; and it shall and may be lawful, and shall be the duty of such trustees, when so directed and required by the said commissioners, to raise the sum to be required as aforesaid, together with the next district tax, to be raised thereafter by them in their district, and in the same manner as such district tax shall be raised, and to refund the same when so raised, to such person as aforesaid; and if such trustees shall refuse or neglect to raise and refund such sum, in the manner aforesaid, and within the time to be directed as aforesaid, it shall and may be lawful for the commissioners aforesaid, to retain such sum out of moneys which shall next thereafter be apportioned by them to such district, out of the moneys which shall come into their hands for the use of the common schools of their town, and to pay the same to such person as aforesaid.

Penalty on trustees.

Right of landlord and tenant.

XXXII. *And be it further enacted,* That in all cases in which any part of any district tax, for the purpose of purchasing a site for a school house, or for purchasing or building such house, or for keeping in repair and furnishing such house with necessary appendages, shall hereafter be, lawfully assessed and paid by any person, for or on account of any real estate, whereof such person is only tenant at will, or for years, or for a less period of time, it shall and may be lawful for such tenant to charge the landlord or owner of such real estate, with the amount of tax, so paid by him as aforesaid, for or on account of such estate, unless some agreement to the contrary shall have been made by such tenant.

XXXIII. *And be it further enacted*, That whenever any town shall be divided or altered, all moneys, in the hands of the commissioners of common schools for such town, shall be divided and disposed of in the same manner as the poor of such town, and the moneys in the hands of the overseers of such poor, are, in such cases, by law to be divided and disposed of.

Moneys disposed of on division of towns.

XXXIV. *And be it further enacted*, That it shall be the duty of the clerk of each county, immediately after the first day of October, in each year, in case the commissioners of common schools of any town in the county shall have refused or neglected to make the necessary reports to him, to give notice thereof to the clerk of such town, whose duty it shall thereupon be to assemble the said commissioners for the purpose of making their report to the clerk of such county: And it shall be the duty of the clerk of each county, annually, between the first day of October and the first day of December, to make, and transmit, to the superintendent of common schools, a report, in writing, containing the whole number of towns in his county, and distinguishing therein the towns from which the necessary reports shall have been made to him by their commissioners of common schools, and containing also a certified copy of all such reports: And it shall be the duty of the superintendent of common schools to make an annual report to the legislature, embracing all the matters contemplated by this act.

Duty of county clerk.

XXXV. *And be it further enacted*, That for the purposes of this act, each of the wards of the city of Hudson, and each of the wards of the city of Schenectady, shall be considered towns.

The wards of Hudson and Schenectady deemed towns.

XXXVI. *And be it further enacted*, That out of the school moneys apportioned from time to time to the county of Albany, the city of Albany shall have its proportion, with the towns in the county, according to its population; and such proportion shall be paid by the treasurer of the county of Albany, into the hands of the trustees of the Lancaster school in said city, to be applied to the education of such poor children, residing in said city, who shall be, in the opinion of the said trustees, entitled to gratuitous education: *Provided*, That the said trustees shall annually account to the county treasurer of said county for the faithful application of such money, according to the true intent and meaning of this act, and shall make an annual report of the state and condition of their school to the superintendent of common schools.

School moneys in Albany applied to Lancaster School.

Provide.

XXXVII. *And be it further enacted*, That the act entitled, "an act for the better establishment of common schools," passed April 15th, 1814, and the act entitled, "an act to amend the act entitled, 'an act for the better establishment of common schools,'" passed April 18th, 1815, be and the same are hereby repealed, from and after the first day of July next: *Provided*, That such repeal shall not invalidate, or in any manner affect the appointment of any officer, made in pursuance of the acts hereby repealed, or the performance of any act, matter or thing done in pursuance of the said acts; but all officers appointed or chosen, and, until the said first day of July, to be appointed or chosen, and all acts, matters, or things, done or suffered, and, until the said first day of July, to be done or suffered, under or in pursuance of the acts hereby repealed, shall be and continue thereafter good and sufficient for

Certain acts repealed.

Provide.

Further pro-
viso.

the purposes of this act, so far as the same shall be applicable thereunto, in the same manner as if such officers had been appointed or chosen, and such acts, matters or things, done or suffered, under and in pursuance of this act: *And provided further*, That nothing herein contained shall be construed to extend to, or in any manner affect, the act entitled, "an act supplementary to the act entitled, 'an act for the establishment of common schools,'" passed March 12th, 1813; or to the act entitled, "an act relative to Erasmus Hall," passed April 1st, 1814; or to the act entitled, "an act for the relief of the Montgomery Academy," passed 24th March, 1815; or to the act entitled, "an act authorising the application of the common school moneys in the village of Athens, and in the city of Hudson, to the education of poor children," passed April 15th, 1814; or to the act entitled, "an act to incorporate the Poughkeepsie Lancaster School Society," passed March 11th, 1814; or to the act entitled, "an act to incorporate the city of Troy," passed April 12th, 1816; or to the act entitled, "an act to incorporate the Schenectady Lancaster School Society," passed November 12th, 1816; or to invalidate any provision in relation to common schools, in the act entitled, "an act to incorporate the village of Utica," passed April 7th, 1817; or to any act passed at the present session of the legislature.

Forms, &c. to
be distributed

XXXVIII. *And be it further enacted*, That immediately after the passing of this act, it shall be the duty of the superintendent of common schools, to prepare suitable forms and regulations for making the reports and conducting all necessary proceedings under this act, and to cause the same, together with eight thousand copies of this act, and such instructions as shall be thought necessary and proper, for the better government and organization of common schools, to be printed, published and distributed among the several school districts in this state, in such manner as he shall deem proper: And for preparing, printing and distributing the same, a sum not exceeding one thousand dollars, or so much thereof as shall be sufficient for that purpose, shall be paid to the said superintendent, on the warrant of the comptroller, out of the surplus revenue of the school fund, over and above the amount required for distribution.

Postage al-
lowed super-
intendent.

Certain sec-
tion repealed

XXXIX. *And be it further enacted*, That the superintendent of common schools shall be allowed the amount of postage paid by him on all letters which he may receive from the officers appointed under this act, on the subject of their duties respectively, and on all reports made to him by county clerks: And it shall be the duty of the comptroller, when requested by the superintendent aforesaid, to ascertain the amount of postage so paid by him, and to draw his warrant upon the treasurer for the same: And that the forty-third section of the act entitled, "an act for the payment of certain officers of government," passed April 17th, 1816, be and the same is hereby repealed.

CHAP. CLXII.

AN ACT to extend the Gaol Limits in the county of Cayuga.

Passed April 12, 1819.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the gaol limits in the county of Cayuga be and the same are hereby extended, so as to include the following bounds: beginning at the middle of the north line of lot number forty-six, in the town of Aurelius, in the county of Cayuga, according to the original survey thereof; running thence south, through the centre of said lot, to the south line thereof; thence east, along the south line of lots number forty-six and forty-seven, to the southeast corner of said lot number forty-seven; thence north, along the east line of said lot number forty-seven, to the northeast corner thereof, according to the said original survey; thence west to the place of beginning, so as to contain the east half of lot number forty-six, and the whole of lot number forty-seven; any former law to the contrary notwithstanding.

CHAP. CLXIII.

AN ACT for building a Toll Bridge over Nissequague river, in the town of Smithtown, in the county of Suffolk.

Passed April 12, 1819.

I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That Richard Smith, John Floyd, Charles H. Havens, Jonathan Gardiner, Abraham Smith, John Vail, John B. Scudder and Charles A. Floyd, and their present and future associates, their successors and assigns, be and they are hereby created a body corporate and politic, by the name of "The Nissequague Bridge Company," for the purpose of building a bridge over Nissequague river, at or near the house of Richard Smith, in the town of Smithtown; and they are hereby ordained, constituted and declared to be, for ever hereafter, a body politic and corporate, in fact and in name; and by that name they and their successors shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever; and that they and their successors may have a common seal, and make, change and alter the same at their pleasure; and also that they and their successors, by the same name and style, shall be in law capable of purchasing, holding and conveying any estate, real and personal, for the use of said corporation: *Provided* the real estate so to be holden, shall be such only as shall be necessary to promote or attain the object of this corporation.

Commissioners appointed to open books &c.

II. *And be it further enacted*, That Charles H. Havens, Richard Smith, John Floyd, John Carl, Abraham Smith and Daniel Secore, be and they are hereby appointed commissioners to do and perform the several duties hereinafter mentioned, viz. they shall, on or before the first day of June next, procure six books, and in each of them enter as follows: "We whose names are hereunto subscribed do, for ourselves and our legal representatives, promise to pay the president, directors and company of the Nissequague bridge company the sum of twenty dollars for every share of stock in the said company set opposite our respective names, in such manner and proportion, and at such time and place, as shall be determined by the said president, directors and company;" one of which books shall be left with each of the said commissioners, at their respective places of abode, who shall keep the same open for the purpose of receiving subscriptions; and every subscriber shall, at the time of subscribing, pay unto either of the said commissioners the sum of five dollars upon each share so subscribed; and the commissioners shall, as soon as one hundred shares have been subscribed, cause an advertisement to be inserted in a newspaper printed in the county of Suffolk, giving at least fifteen days notice of the time and place the said subscribers shall meet for the purpose of choosing five directors, (who shall be stockholders) to manage the concerns of the said company for one year; and the day of choosing the said directors shall for ever thereafter be the anniversary day for choosing directors; which directors shall hold their office for one year, and until others are chosen in their stead; and a majority of the said directors, so met, shall be a quorum, and capable of transacting the business of the said corporation, and every act of a majority of said directors, so met, shall be binding on the said corporation; and if any of said directors, or other officers, shall die, resign, remove out of this state, or cease to be a stockholder, it shall be competent and lawful for the remaining directors to elect other said officers in their stead for the remainder of the said year; and the said directors elected by a plurality of the votes of the stockholders present, shall immediately proceed to the choice of one of their members for president; and the said president and directors may meet, from time to time, at such time and place as they may find expedient and direct, and shall have power to make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of this state, or of the United States, as shall be necessary for the well ordering the affairs of the said corporation.

Notice required.

Directors.

President.

Bridge how located.

Land how taken.

III. *And be it further enacted*, That the aforesaid commissioners shall and may, at any time before the first day of July, one thousand eight hundred and nineteen, fix upon a spot where the said bridge shall be built; and that the said president, directors, their agents, artists, or other persons employed by them, may enter upon and take possession of the land on each side of the river where the said commissioners shall determine said bridge shall be erected; and the said corporation shall, on taking possession of any such land, and on receiving a conveyance thereof, pay the owner or owners the value of so much of the same as may be necessary for making and erecting said bridge, and establishing a gate, toll-

house, and all other works to the said bridge belonging ; and in case of disagreement between the parties as to such value, the same shall and may be ascertained by three indifferent freeholders of the county where such land shall lie, who shall be appointed for that purpose, and sworn to make a just valuation by the judges of the court of common pleas of the same county, or any three of them, not interested therein, on application from the said president and directors to them for such appointment.

IV. *And be it further enacted,* That the said bridge shall be so constructed as that one part of the said bridge, not less than thirty feet over the said river, shall hoist or draw for the free passage of vessels as shall have occasion to pass the same ; and the bent wherein the said draw is to be constructed as aforesaid, shall be set and placed in such part of the said bridge as will render the passage of vessels through the same most convenient, and the best conduce to the freedom of navigation : And the better to facilitate the passage of vessels through the said bridge, two or more posts, piles or piers, shall be so set, drove or built, in the said river, on each side of the entrance of the said draw, in such places as will best conduce to the easy and safe entrance of vessels into and passage through the said bridge ; and being so set, drove or built, shall be continually thereafter supported and maintained by the said company.

*Dimensions,
&c. of bridge.*

V. *And be it further enacted,* That the said company shall, at all times after the building of the said bridge, keep the same in repair ; and shall also give good and faithful attendance at the draw of the said bridge, and, as speedily as the nature of the case will admit, hoist and raise the draw for all vessels for which a passage through the same shall be required, without any toll or exaction whatsoever therefor.

*Bridge to be
attended and
kept in repair*

VI. *And be it further enacted,* That the said president and directors may continue to receive subscriptions to the said stock of the said corporation until there shall be three hundred shares subscribed ; and shall have power to appoint such agents, clerks, workmen, and others, under them, as shall be necessary for executing the business of the said corporation.

*300 shares
may be sub-
scribed.*

VII. *And be it further enacted,* That in case the aforesaid bridge shall not be erected, built and completed, on or before the first day of December, one thousand eight hundred and twenty-one, then the corporation created by this act shall be adjudged and considered dissolved.

*Corporation
when to be
dissolved.*

VIII. *And be it further enacted,* That the number of shares, or subscriptions, constituting the stock or funds of said corporation, shall not exceed five hundred shares ; and that the amount to be paid for each share or subscription shall be twenty dollars ; and that each stockholder shall be entitled to a number of votes equal to the number of shares which he or she shall have or hold in his or her name ; which shares shall be considered to be personal estate, and shall and may be transferable.

*Stock not to
exceed 500
shares.*

Votes.

IX. *And be it further enacted,* That as soon as said bridge shall be finished and completed, and two of the judges of the court of common pleas for the county of Suffolk, not being stockholders, shall, upon inspection, certify, under their hands, that the said

*Toll when
requirable.*

bridge is well and sufficiently built, and will admit of the passage of teams and loaded carriages, it shall and may be lawful for the said corporation to demand, receive and take, for the use of said Toll. bridge, a toll not exceeding the following rates, to wit: for every four wheeled pleasure carriage and two horses, twenty-five cents, and for every additional horse with such carriage, six cents; for every two wheeled pleasure carriage, with one horse, twelve and a half cents, and for every additional horse, six cents; for every stage waggon or stage sleigh, with two horses, twenty-five cents, and for every additional horse, six cents; for every cart or wagon, with two horses, or other beasts, twelve and a half cents, and for every additional horse, or other beast, six cents; for every sled or sleigh, drawn by two horses, ten cents, and for every additional horse, or other beast, six cents; for every cart, waggon, sleigh or sled, with one horse, or other beast, nine cents; for every score of horses, mules, asses, or neat cattle, thirty cents, and so in proportion for a greater or less number; for every score of sheep or hogs, ten cents, and so in proportion for a greater or less number; for every man and horse, six cents; for every footman, or single passenger, three cents; and if the said bridge, so to be built, shall at any time hereafter be carried away, thrown down, or destroyed by an unavoidable accident, the said corporation shall be allowed two years from the time of such casualty to rebuild the said bridge for the accommodation of the public travel.

Provision if bridge is destroyed.

Installments payable on pain of forfeiture of stock, &c.

X. *And be it further enacted*, That it shall and may be lawful for the said directors to call on and demand from the stockholders respectively, all such sums of money by them subscribed, or to be subscribed, at such time, and in such proportions, as they shall see fit, under forfeiture of their shares, and all previous payments thereon, to the said president, directors and company, not impairing the right of enforcing payment by process of law of the subscription made under this act as aforesaid.

Penalties for trespassers.

XI. *And be it further enacted*, That if any person or persons shall wilfully do, or cause to be done, any act whatsoever, whereby the said bridge, or any thing appertaining to the same, shall be impaired, weakened or injured, the person or persons so offending shall forfeit and pay to the said company treble the amount of the damage sustained by the means of such offence or injury, to be recovered by said company, with costs of suit, and by action of debt, in any court of record having cognizance thereof; which action, in every instance, shall be considered as transitory in its nature, and shall and may be triable in any county in this state.

For riding immoderately over bridge

XII. *And be it further enacted*, That in crossing the said bridge with carriages, horses or cattle, the same shall not be rode or driven at a faster rate than on a walk, under the penalty of one dollar for each offence, to be paid by the persons respectively riding or driving the same, to be recovered, with costs, before any justice of the peace of the county of Suffolk, in the name of either of the proprietors of the said bridge, for the use of the said proprietors.

For forcibly passing.

XIII. *And be it further enacted*, That if any person or persons shall forcibly pass the gate to be erected over said bridge in pursuance of this act, or shall cause his or their horse, carriage

or waggon, sled, cattle, or other thing or things, to pass the same without having paid the legal toll for passing said bridge, such person or persons shall forfeit and pay a sum not exceeding ten dollars, nor less than one dollar, to be recovered by the treasurer of said corporation, to their use, in action of trespass, which action shall in every instance be considered as transitory in its nature.

XIV. *And be it further enacted*, That this act shall be and is hereby declared to be a public act, and shall be benignly and favourably construed for all the beneficial purposes herein intended. Public act.

XV. *And be it further enacted*; That this act shall continue in force forty years, and no longer. Duration of act.

CHAP. CLXIV.

AN ACT for the Relief of the Town of Cicero.

Passed April 12, 1819.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That all the provisions of the act, entitled, "an act concerning the gospel and school lots," passed April 2nd, 1813, be and the same are hereby extended and applied to the town of Cicero, in the county of Onondaga.

CHAP. CLXV.

AN ACT to preserve the Salmon Fishery in Oneida Lake.

Passed April 12, 1819.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That it shall not be lawful for any person to draw or set any net or seine, or make any weir or other obstructions, in that part of Oneida lake, or any of the waters thereof, within one mile from the mouth of Wood creek, or in Fish creek, or Wood creek, or any of the branches thereof, running into said lake, or in the Oswego river, or the Chittenengo creek, whereby the salmon may be diverted or prevented from pursuing their usual course, at any time between the fifteenth day of May and the first day of December, in each year; nor shall it be lawful to fish for salmon with any spear or other instrument in any of the places or creeks aforesaid, between sunrise on Saturday and sunrise on Monday, between sunrise on Tuesday and sunrise on Wednesday, or between sunrise on Thursday and sunrise on Friday, in any week, between the said fifteenth day of May and the first day of December, in any year; and each and every person offending herein, shall for each and every such offence forfeit twenty-five dollars, to be recovered, with costs of suit, by any person who will sue for the same, in an action of debt, in any court

having cognizance thereof, the one half of which, when recovered, shall be to the use of the plaintiff, and the other half shall be paid to the overseers of the poor of the town where such recovery shall be had, for the use of the poor thereof.

II. *And be it further enacted*, That the third section of an act, entitled, "an act to preserve the salmon fishery in certain waters," passed the third day of April, 1816, be and the same is hereby repealed.

CHAP. CLXVI.

AN ACT *relative to Sales made by order of Surrogates.*

Passed April 12, 1819.

Preamble.

WHEREAS by an act, entitled "an act relative to the court of probates, the office of surrogate, and the granting of administrations," the judge of the court of probates, and the surrogates of the several counties in this state, are authorised in certain cases to direct real estate of testators or intestates to be sold : *And whereas*, by the said act, it is enacted that all sales of any real estate, to be made by order of the judge of the court of probates, or the surrogate, shall be made, and conveyances for the same executed, by the executors or administrators applying for such order, and such other discreet person or persons as the said judge or surrogate may think proper to appoint : *And whereas*, it is represented to the legislature that since the passing of the said act certain sales of real estate have been made by order of certain surrogates, and that through inattention or ignorance, no discreet person or persons hath or have been appointed to join in such sales, or in the conveyances for the estate so sold, whereby the purchasers at such sales may hereafter be evicted and deprived of the lands which they have bona fide purchased : for remedy whereof,

Purchasers may petition the chancellor to order an enquiry.

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That in every case in which any sale has been made by virtue of an order of the court of probates, and of any surrogate within this state, and a conveyance executed without the concurrence of a discreet person designated for that purpose in such order, it shall be lawful for the purchaser at such sale, his heirs or assigns, on or before the first day of January, in the year one thousand eight hundred and twenty-one, to petition the chancellor, setting forth the facts relative to such sale, and praying for an order of reference to a master of his court in the county where the lands so sold are situate ; and if no master resides in such county, then to a master of an adjoining county, to examine and report, with all convenient speed, touching the proceedings concerning such sale, agreeably to the directions of such order ; and upon the coming in of such report, the chancellor shall, in case it appears to his satisfaction, that the said sale has been made fairly and bona fide, make such order thereon, for confirming such sale and conveyance, upon such terms as he shall

Sales when fairly made to be confirmed.

deem equitable : *Provided always*, That before such confirmato- ^{Proviso.}
ry order shall be made, the chancellor shall cause notices to be
given for eight weeks successively, in the public newspaper print-
ed by the printer to this state, of filing the master's report, and re-
quiring all persons interested to appear before him, at a certain
day and place, to shew cause, if any they have, why such sale and
conveyance should not be confirmed.

II. *And be it further enacted*, That the costs to be taxed upon ^{Costs.}
any such application shall not exceed the sum of twenty-five dol-
lars.

III. *And be it further enacted*, That all such hereafter to ^{Future sales.}
be made, of any real estate, by order of the judge of the court
of probates, or any surrogate, agreeable to the provisions of the act
entitled, "an act relative to the court of probates, the office of
surrogate, and granting of administration," it shall be the duty of
the executors or administrators, to make a return of the proceed-
ings had on the order for such sale, to the judge of said court of
probate, or to the surrogate who issued such order, and the pro-
ceedings shall be examined by the said judge or surrogate, and if
it shall appear that the said sale has been legally made, and all the
proceedings fairly conducted, that then the said judge or surrogate
shall issue a further order confirming such sale, and directing con-
veyances made for the same, to be executed by the executors or
administrators, and such conveyances shall set forth such orders
at large, and shall be valid and effectual against the heirs or devi-
sees of such testator or intestate, and all claiming by, from, or un-
der them : *Provided, and it is hereby declared*, That the thirty- ^{Proviso.}
second section of the act hereby amended, giving an appeal, shall
extend to this section.

IV. *And be it further enacted*, That the twenty-fourth sec- ^{Certain sec-}
tion of the act, entitled "an act relative to the court of probates, ^{tions repeal-}
the office of surrogate, and the granting of administrations," pass- ^{ed.}
ed April 8th, 1813, be and the same is hereby repealed.

CHAP. CLXVII.

AN ACT for the Relief of Roger W. Lord.

Passed April 12, 1819.

I. *BE it enacted by the people of the State of New-York*, ^{Arrears of}
represented in Senate and Assembly, That the treasurer of the ^{certain taxes}
county of Schoharie shall, at any time before the first day of July ^{to be receiv-}
next, receive from Roger W. Lord, late collector of the town of
Carlisle, the return of arrears of taxes of the said town, for the year
one thousand eight hundred and seventeen, which were not season-
ably returned, according to the provisions of the act, entitled, "an
act for the assessment and collection of taxes : " *Provided*, the ^{Proviso.}
same be returned in time for the said treasurer to make return
thereof to the comptroller of this state, on or before the first day
of July aforesaid.

County treasurer's duty.

II. *And be it further enacted*, That the treasurer of said county shall, within ten days after receiving the said returns of arrears of taxes of the said collector, transmit to the comptroller the returns of such arrears of taxes of the said town, and the comptroller is hereby authorised to accept of the same, and to proceed in the collection of said taxes in all respects as in ordinary cases is by law prescribed.

Preamble.

And whereas a recovery hath heretofore been had of the said Roger W. Lord and his ball, of the amount of arrears of taxes of the said town, for the year aforesaid : Therefore,

County treasurer's farther duty.

III. *BE it further enacted*, That the treasurer of the said county of Schoharie, upon the said Roger W. Lord's making the returns of the arrears of taxes of the said town of Carlisle within the time herein before prescribed, shall reimburse to the said Roger W. Lord, the amount of the arrears of taxes by him received of the said Roger W. Lord - *Provided*, the said treasurer shall not have, before the passage of this act, paid to the treasurer of this state the money so by him as aforesaid received, in which case the comptroller of this state is hereby required, upon the reception of the returns of the said arrears of taxes within the time above limited, to draw his warrant upon the treasurer of this state, in favour of the said Roger W. Lord, for the amount of said taxes, who is hereby required thereupon to pay the same to the said Roger W. Lord.

Proviso.

CHAP. CLXVIII.

AN ACT respecting the Female Association.

Passed April 12, 1819.

WHEREAS the association of females, professing with the society of friends in the city of New-York, have, by their petition, solicited an alteration in the act incorporating the said association, so as that the application of their portion of the school fund may be extended : Therefore,

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That if any surplus school moneys shall remain in the hands of the said association, after an ample compensation to the teachers employed by them, it shall and may be lawful for them to apply such surplus to all the needful purposes of a common school education, and to no other purpose whatsoever.

CHAP. CLXIX.

AN ACT for the relief of the Executors and Devisees of Joseph Lawrence, deceased.

Passed April 12, 1819.

WHEREAS it is represented to the legislature that Joseph Lawrence, late of Lawrenceville, in Tioga county, deceased, by his last will and testament, duly executed to pass real estate, dated the tenth day of March, one thousand eight hundred and seventeen, did devise unto his brothers, Samuel Lawrence and John L. Lawrence, and to his brother in law, William Sackett, whom he appointed executors of his said will, and to the survivors or survivor of them for ever, so much of his real estate as might be necessary to enable them to execute certain trusts mentioned in the said will; among which trusts is the making valid partitions of all lands, tenements and hereditaments, which the testator then had or thereafter might have, in common with his brothers and sisters, or any other person or persons whomsoever, and to sign, seal and deliver, and also to receive such deeds and conveyances, as might be necessary to make such partitions good and effectual in law: That most of the lands now undivided, of which the said Joseph Lawrence was a tenant in common at the time of making his will, and at the time of his decease, are held in common with the said Samuel Lawrence, and that the said lands are situate in the counties of Ontario and Tioga: That it is important to the interests of the estate of the said Joseph Lawrence, that the said lands should be partitioned; but that impediments exist to the full execution of the said trust by all the executors, because the said Samuel Lawrence is a tenant in common of the lands before mentioned: And suggesting that unless they renounce the execution of the said will, the chancellor would probably deem it improper to allow a partition of the said lands under the second section of "an act concerning infants," because his interference would be repugnant to the before mentioned devise to the executors, and inconsistent with the power accruing to the said John L. Lawrence and William Sackett, in case they survive the said Samuel Lawrence: Therefore,

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall be lawful for the said John L. Lawrence and William Sackett, or the survivor of them, at any time, to make partition of all lands, tenements and hereditaments, which the said Joseph Lawrence, in his life time, held in common with the said Samuel Lawrence, and to sign, seal, execute and deliver, and also to receive such deeds and conveyances as may be necessary for completing said partition; which partition shall be valid and effectual.

CHAP. CLXX.

AN ACT concerning an Academy in the county of Delaware.

Passed April 12, 1819.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the sum of six thousand dollars, paid into the treasury of this state, on the sale of an undivided moiety of a tract of land in Leake's patent, in the county of Delaware, forfeited by the attainder of Robert Leake, be and the same is hereby appropriated to the regents of the university, to be by them applied towards the endowment of an academy, in the village of Delhi, in the county of Delaware; and that the comptroller draw his warrant on the treasury for the same, whenever required by the said regents.

CHAP. CLXXI.

AN ACT to incorporate the New-York Evangelical Missionary Society.

Passed April 12, 1819.

Preamble. WHEREAS Horace W. Bulkley, Peter Hawes, Thomas Fessenden, and others, have formed themselves into a society for the purpose of disseminating the gospel of Jesus Christ, and have prayed to be incorporated, the better to promote that object: Therefore,

Corporation created.

Styl. I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly,* That all such persons as now are, or hereafter may become members of the said society, shall be, and are hereby ordained, constituted and appointed, a body politic and corporate, in fact and in name, by the name of "The New-York Evangelical Missionary Society;" and by that name shall and may have perpetual succession, and be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of action and actions, suits, matters, causes and complaints whatsoever; and may make and have a common seal, and change and alter the same at pleasure; and are also hereby made capable in law, by the name of "The New-York Evangelical Missionary Society," aforesaid, of receiving, purchasing, holding and conveying any estate, real as well as personal, for the use of the said society: *Provided always,* That such real and personal estate shall not at any time exceed the annual value of ten thousand dollars.

Proviso.

Officers.

II. *And be it further enacted,* That for the better carrying into effect the objects of the said society, the officers thereof shall consist of a president, three vice-presidents, a treasurer, a corresponding secretary, a recording secretary, and a clerk, who, together with thirteen managers, and the president, for the time being,

ing, of every society which now is, or shall hereafter be auxiliary to the society hereby incorporated, by contributing to the funds of the same, shall form a board of directors, for the said society hereby incorporated : *And further*, That the officers of the said corporation, for the time being, shall be correspondently the officers of the said board of directors ; and that Horace W. Bulkley, shall be the president, Eleazer Lord, the first vice-president, Oliver Wilcox, the second vice-president, Pelatiah Perit, the third vice-president, Eliphalet Williams, the treasurer, Gardiner Spring, the corresponding secretary, Stephen Lockwood, the recording secretary, Richard I. Hutchinson, the clerk ; and Philip M. Whelpley, Abijah Fisher, Simeon Hyde, James C. Bliss, Stephen P. Brittan, Heman Averill, Alfred De Forest, James R. Maltbie, George Nixon, Anson G. Phelps, William Couch, Thomas Webster, and William R. Luyster, the managers aforesaid of the said corporation, until others shall be chosen in their stead, in conformity with the by-laws of the said corporation. First officers.

III. *And be it further enacted*, That the said corporation shall have full power to make and establish such by-laws, rules and regulations, as they from time to time shall deem fit and proper, as to the age and other qualifications, and as to the time, place, and manner of the election of their officers and managers aforesaid ; and as to the term or period of the continuance in office of the said officers and managers ; and as to the manner of filling vacancies amongst the said officers and managers, howsoever such vacancies may happen ; and as to the powers and duties of the said officers and managers, and generally of the said board of directors ; and as to the election and admission of new members into the said corporation, and the terms and manner thereof ; and also for the management and disposition of the stock, property, estate and effects of the said corporation ; for the purpose of carrying into effect the general object thereof, for fixing the times and places of the meetings of the said corporation ; for regulating the manner of conducting their business when met, and with respect to all such other matters whatsoever, as relate to the purposes for which the said corporation is hereby constituted and appointed, and for no other purposes whatsoever : *Provided*, That no regulations shall be made by the said corporation inconsistent with any provision of this act, or in any wise to control the religious principles or affect the rights of conscience of any person whatsoever : *And provided further*, That such by-laws, rules and regulations, be not repugnant to the constitution and laws of the United States or of this state. General powers.

IV. *And be it further enacted*, That this act shall be considered as a public act, and shall be construed favourably in all courts and places, for every purpose therein intended. Public act.

V. *And be it further enacted*, That it shall at all times be lawful for the legislature to repeal or modify this act. May be repealed, &c.

CHAP. CLXXII.

AN ACT to incorporate the Rome Turnpike Company.

Passed April 12, 1819.

Corporation
created.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That Daniel Green, Isaac G. Green, and all such persons as may associate with them, and become subscribers to make a good and sufficient road to begin at the north bank of the old canal, in the village and town of Rome, in the county of Oneida, in the centre of James-street, about three rods southeast of the store of George Huntington and Co. and running from thence across the old canal bridge south fifty-six degrees and twenty minutes west two chains and nine links ; thence south forty degrees and thirty minutes west one hundred and seventy-one chains, to the centre of the Oneida road, one chain east of the house now occupied by Moses Sayer, in said town of Rome, shall be and are hereby created a body corporate and politic, in fact and in name, by the name and style of " The president, directors and company of the Rome Turnpike Company ;" and by that name they shall be capable in law to purchase, have, hold and enjoy, to them and their successors, lands, tenements, hereditaments, goods, chattels and effects of every kind whatsoever, which may be necessary to fulfil the end and intent of the said corporation.*

Stock

II. *And be it further enacted, That the stock of the said company hereby incorporated, shall consist of three hundred shares, of twenty-five dollars each ; and Daniel Green and George Brown, of Rome, are hereby appointed commissioners to receive subscriptions for the said stock, in the manner directed by the act, entitled " an act relative to turnpike companies," passed March 13th, 1807.*

General
powers.

III. *And be it further enacted, That the said company hereby incorporated, shall have and enjoy all the rights, privileges, powers and immunities, which are given and granted in and by the aforesaid act, entitled " an act relative to turnpike companies," and shall be subject to all the conditions, provisions, restrictions and regulations, contained in said act, except as herein otherwise provided.*

Election.

IV. *And be it further enacted, That ten days notice, in two of the public newspapers printed nearest the route of the said road, of the time and place when and where the subscribers shall meet to choose directors, shall be sufficient, and that said subscribers, and the stockholders at every succeeding election, shall choose but three directors, and that but one person shall be chosen to preside at said elections ; that any two of said directors shall be a quorum and capable of transacting the business of the said corporation.*

Preamble.

And whereas, by the first section of this act, said turnpike is directed to run in and upon land which is now laid out and opened as a public highway four rods wide : Therefore,

V. *Be it further enacted*, That so much of the third section of the aforesaid act entitled, "an act relative to turnpike companies," as relates to laying out any turnpike, and compensating the owners of the land upon which the same shall pass for said land, shall have no application to the road hereby established, or to any proceedings under this act: *And further*, That said company may take possession of said public highway, and the land on which it passes, for the purposes contemplated by this act, without making any compensation therefor to said owners or the commissioners of highways for said town. 3d section of an act not to apply. Corporation may take possession before compensation, &c.

VI. *And be it further enacted*, That the fifteenth section of the aforesaid act entitled, "an act relative to turnpike companies," shall have no application to any proceedings under this act. 15th section not to apply.

VII. *And be it further enacted*, That nothing in the fifth section of the aforesaid act entitled, "an act relative to turnpike companies," shall require the said company to bed said road with gravel, sound wood, or other hard substance, and to face the same for a greater width than twenty feet. 5th section modified.

VIII. *And be it further enacted*, That the said company hereby incorporated shall be entitled to exact and receive, at a gate of said turnpike, to be erected on said road, and which shall not be erected north of the Erie canal, from all persons travelling or using the same, the following rates of toll: for every score of sheep and hogs, six cents; for every score of cattle, horses or mules, twelve and an half cents; for every horse and rider, three cents; for every led or driven horse, two cents; for every sulkey, chair or chaise, with one horse, eight cents; for every cart, drawn by one horse, four cents; for every chariot, coach, coachee or phaeton, twenty cents; for every stage waggon, or other four wheeled carriage, drawn by two horses, mules or oxen, eight cents, and two cents for every additional horse, mule or ox; for every cart, drawn by two horses, mules or oxen, eight cents, for every additional horse, mule or ox, two cents; for every sleigh or sled, drawn by two horses, mules or oxen, six cents, and two cents for every additional horse, mule or ox. Gates. Toll.

CHAP. CLXXIII.

AN ACT to incorporate the Gineganslet Turnpike Road Company, and for other purposes.

Passed April 12, 1819.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Levi Farr, Jonathan Phelps, Simeon Rogers, and such other persons as shall associate for the purpose of making a turnpike road, commencing at Chenango Point, in the county of Broome; thence up the Chenango river to the forks of the Onondaga and Chenango rivers; from thence up the said Chenango river to the Gineganslet creek, in the town of Green; from thence up the Gineganslet creek to the big flats, in the town of Smithville, in the county of Chenango; and Corporation created.

- from thence, by the nearest and most convenient route, to intersect the German and Cincinnati turnpike, be and are hereby created a body corporate and politic, in fact and in name, by the name of
- Style.** "The Gineganslet Turnpike Road Company;" and by that name shall have continual succession, and be persons capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever; in all manner of actions, suits, complaints, matters and causes whatsoever; and shall make and use a common seal, and may alter the same at pleasure, and shall be capable in law of purchasing, holding and conveying any estate,
- Proviso.** real and personal, for the use of the said company: *Provided always*, That such real estate, so to be purchased and held shall be necessary to fulfil the end and intent of the said corporation.
- Road how made.** II. *And be it further enacted*, That the said turnpike road shall be made agreeable to the directions of the act entitled, "an act relative to turnpike companies," passed the 13th day of March, 1807.
- Stock.** III. *And be it further enacted*, That the stock of the said company shall consist of one thousand five hundred shares, of twenty-five dollars each; and that Heman Carter, Robert O. Edwards and Jared Grant, be and they are hereby appointed commissioners to receive subscriptions for said stock in the manner directed in and by the said act.
- Gates.** IV. *And be it further enacted*, That the company hereby incorporated shall be entitled to erect on the said road three turnpike gates, and shall be entitled to exact, demand and receive, of and from every person travelling on or using said turnpike road, at each of the said gates and turnpikes to be erected upon and across
- Toll.** the said turnpike road, the following rates of toll, to wit: for every coach or four wheeled pleasure carriage or pleasure waggon, drawn by two horses, twenty-five cents; for every waggon or carriage, drawn by two horses, mules or oxen, twelve and an half cents, and three cents for every additional horse, mule or ox, attached to such waggon or carriage; for every cart, waggon or other carriage, drawn by one horse, mule or ox, six cents, and for every additional horse, mule or ox, attached to such cart or carriage, three cents; for every horse and rider, four cents; for every horse or mule, led or driven, two cents; for every chaise, chair or sulkey, or other pleasure carriage, drawn by one horse or mule, twelve and an half cents, and six cents for every additional horse or mule; for every sleigh or sled, drawn by two horses, mules or oxen, six cents, for every additional horse, mule or ox, three cents; for every sleigh or sled, drawn by one horse, mule or ox, four cents; for every score of cattle, horses or mules, twelve and an half cents; and for every score of sheep or hogs, four cents, and
- Proviso.** so in proportion for a greater or less number: *Provided*, That if the whole distance falls more than one mile short of thirty that the toll of the third gate shall be reduced in proportion to the distance.
- Commissioners appointed.** V. *And be it further enacted*, That Elijah Higbe, junior, Chauncey Hyde and Jonathan Lewis, or any two of them, be and they are hereby appointed commissioners to lay out and establish

the said turnpike road ; and that the said company hereby incorporated shall have and enjoy all the rights, privileges, powers and immunities which are given and granted in and by the said act entitled, "an act relative to turnpike companies," and shall be subject to all the conditions, provisions and regulations in the said act contained.

VI. *And be it further enacted*, That the number of directors Directors. for managing the concerns of the said company hereby incorporated shall be seven, and that four of them shall be a quorum, and capable of transacting the business of the company.

VII. *And be it further enacted*, That Sylvanus Moore, Isaac J. Shatton and Gates Wilcox, or any two of them, be and they are hereby appointed commissioners to lay out and establish the German and Cincinnati turnpike road, agreeably to the provisions of the act authorising the same to be made, passed April 10th, 1818. Commissioners for the German and Cincinnati turnpike.

CHAP. CLXXIV.

AN ACT to authorise the extension of the Gaol Liberties of the county of Chautauque.

Passed April 12, 1819.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall be lawful for the court of common pleas in the county of Chautauque to enlarge the liberties of the gaol of the said county at their discretion, provided the limits thereof shall not extend more than a mile and a half in any direction from the court-house in said county.

CHAP. CLXXV.

AN ACT to extend the time for commencing the New-Antrim and Waynesburgh Turnpike Company.

Passed April 12, 1819.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the time for commencing the operations for making the turnpike road authorised in and by the act entitled, "an act to incorporate the New-Antrim and Waynesburgh turnpike company," shall be and hereby is extended to the first day of April, in the year of our Lord one thousand eight hundred and twenty-one ; any thing in the said act, or the act relative to turnpike companies, to the contrary in any wise notwithstanding.

CHAP. CLXXVI.

AN ACT to alter the February Term of the Court of Common Pleas and General Sessions of the Peace of the County of Sullivan.

Passed April 12, 1819.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That from and after the passing of this act the February term of the court of common pleas and general sessions of the peace in and for the county of Sullivan shall be held on the last Tuesday of January in every year, at the court-house, in said county, and shall be called the January term of said courts.

CHAP. CLXXVII.

AN ACT for the relief of Elisha Farnham.

Passed April 12, 1819.

WHEREAS in the year one thousand eight hundred and eleven, the site of the court-house and gaol was fixed in the village of Cazenovia, upon the land of Elisha Farnham, in consequence of which the said Farnham gave a deed to the supervisors of the county of Madison of one acre and one-quarter of an acre of land, for the use of said county : *And whereas* in the year one thousand eight hundred and fifteen the site was removed from the said village of Cazenovia to the town of Eaton, and the supervisors of the said county have since sold and conveyed the said land : Therefore,

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That Nehemiah Huntington, Sylvester Beacher and James Nye, of the said county of Madison, be and are hereby appointed commissioners to examine into the claims of the said Elisha Farnham upon the said county, and ascertain whether the benefit received by Elisha Farnham by the location of the court-house and gaol at Cazenovia, from the year eighteen hundred and eleven to the year eighteen hundred and fifteen, was equal to the loss which he sustained by the gift to the county of Madison of one acre and a quarter of land in the said village of Cazenovia, for the site of the said buildings ; and if in the opinion of the said commissioners he has been a loser by such gift, they shall report how much they think he has been a loser thereby to the supervisors of the said county, at their next annual meeting : which board of supervisors is hereby authorised in case they think the estimate of the said commissioners a reasonable one, to pay the amount thereof to the said Elisha Farnham ; which sum shall be levied and collected in the same manner as the other contingent expenses are assessed, levied and collected.

CHAP. CLXXVIII.

AN ACT for the more speedy Administration of Justice.

Passed April 12, 1819.

WHEREAS the accumulation of business before the court for the trial of impeachments and the correction of errors oftentimes renders it difficult for the court to hear and to decide all the cases that are pending during the sitting of the legislature : Therefore,

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the said court may, from time to time, hold adjourned sessions, at the capitol, in the city of Albany, in the recess of the session of the legislature, for such length of time as in the opinion of the said court the business may require : *And further,* That the president of the senate, and the senators who shall attend the said adjourned sessions of the said court, and the clerk and crier of the said court, together with the sergeant at arms, shall be entitled to, and receive for such attendance, and their travelling, the same rate of compensation as shall be allowed to members of the legislature next preceding the time of such adjournment ; which compensation shall be paid in the manner directed by the act entitled, " an act for the support of government," passed February 7, 1813 : *Provided,* That this act continue in force for one year from the end of the present session of the legislature, and no longer.

CHAP. CLXXIX.

AN ACT authorising the Surveyor-General to sell certain lands, near the village of Lewiston.

Passed April 12, 1819.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That the surveyor-general be and he is hereby authorised and directed to sell, or cause to be sold, at public auction, in the village of Lewiston, on the second Tuesday of June next, under the superintendence of such person as he shall appoint in behalf of the state, on the same terms as the other lands of this state are sold, one acre of land, on the Niagara river, beginning on the margin of said river, ten rods south of the northwest corner of the lot commonly called the ferry lot, near the village of Lewiston ; thence southerly, along the margin of said river, sixteen rods ; thence easterly, ten rods ; thence northerly, sixteen rods ; thence to the place of beginning ; together with the privilege of diverting so much of the water, from springs adjacent to the said lot, on lands belonging to the people of this state, as may be necessary for the use of a mill to be erected on said lot : *Provided* the same shall not injure the sale of any such lands,

II. *And be it further enacted*, That the sale of the aforesaid lot of land and privileges, shall be made on condition that the purchaser shall, within two years from the day of such sale, build on the lot aforesaid, a grist-mill with one run of stones ; and on failure thereof, the said lot, privileges and payment therefor, which may have been made, shall be forfeited to the people of this state.

CLXXX.

AN ACT for the relief of Peter Deall.

Passed April 12, 1819.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the provisions and restrictions of the act entitled, "an act establishing a ferry across lake Champlain, in the town of Ticonderoga, in the county of Essex," passed May 26th, 1812, be and the same are hereby extended, and shall remain and continue in full force and effect for and during the term of ten years from the first day of August last.

CLXXXI.

AN ACT altering the present Terms of the Courts of Common Pleas and General Sessions of the Peace of the county of Otsego.

Passed April 12, 1819.

February,
June and Oc-
tober terms
established.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That instead of the present terms of the courts of common pleas and general sessions of the peace, held in and for the county of Otsego, the said courts, from and after the passing of this act, shall be held on the third Tuesday in June, the second Tuesday in October, and the first Tuesday in February, in every year, at the court-house, in said county ; and that the terms respectively of the said courts shall be called and known by the names of the respective months in which they are respectively to be held by this act.

Terms, &c.
how held.

II. *And be it further enacted*, That the said terms and courts so altered by this act, may be held, continued and adjourned in the same manner as they might or could have done if the said terms had been so named and inserted in the act entitled, "an act concerning the courts of common pleas and general sessions of the peace in the several counties of this state."

Certain pro-
cess how re-
turnable.

III. *And be it further enacted*, That all writs and process issued out of said court of common pleas, or to be issued before the fifteenth day of April, one thousand eight hundred and nineteen, and made returnable on the last Tuesday in May next, shall be deemed and considered as having been made returnable on the third Tuesday of June next.

CHAP. CLXXXII.

AN ACT to incorporate the United Benevolent Society of Tailors of the city of New-York.

Passed April 12, 1819.

WHEREAS the members of a society instituted for charitable purposes have petitioned the legislature for an act of incorporation the better to enable them to attain the objects of their association : Therefore,

I. BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That all persons who now are or who hereafter may become members of the aforesaid society, shall be and hereby are constituted a body corporate, in fact and in name, by the name of "The United Benevolent Society of Tailors of the City of New-York;" and by that name shall have succession, and be in law capable of suing and being sued, defending and being defended, in all courts and places, and in all manner of actions and cases whatsoever; and may have a common seal, and change the same at their pleasure; and by that name and style be capable in law of purchasing, holding and enjoying, to them and their successors, any real estate, in fee, simple, or otherwise, and any goods, chattels and personal estate, and of selling or otherwise disposing of the said real and personal estate, or any part thereof, at their will and pleasure: *Provided always*, That the clear annual value or income of such real and personal estate shall not exceed the sum of two thousand dollars.

II. And be it further enacted, That the said society shall have power to make such constitution, by-laws, ordinances and regulations, for the appointment of officers, the government of the society, the management of their property, and the superintendence of all their concerns, as to them shall appear most proper and beneficial: *Provided*, That the same be not inconsistent with the laws or constitution of this state, or the United States.

III. And be it further enacted, That this act be and is hereby declared to be a public act, and that the same be construed, in all courts and places, benignly and favorably for every beneficial purpose therein intended.

IV. And be it further enacted, That it shall be lawful for the legislature at any time hereafter to amend or repeal this act.

CHAP. CLXXXIII.

AN ACT to incorporate the Niagara, Cattaraugus and Chautauque Turnpike and Bridge Company.

Passed April 12, 1819,

I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That John Lay, junior, Joseph W. Moulton, Albert H. Tracy, Samuel Cotton, Richard

Smith, Silas Este, John Hill, Shelman Dayton, John W. Hanford, Samuel Tucker, Nedabiah Angil, Mosely W. Abel, and such other persons as shall associate for the purpose of making a good and sufficient turnpike road, to begin at the village of Buffalo, in the county of Niagara, and running from thence to the Buffalo creek, and crossing the same at or near the forks, and from thence on the best ground for a road to Smithville, in the town of Hamburg, and running from thence to the house of John Hills, in the town of Eden, to intersect the Big-tree road leading to the mouth of Cattaraugus creek, at or near Jacob Taylor's house, in the town of Concord, and from thence to the lower falls of Cattaraugus creek, and crossing the same at that place into the county of Cattaraugus, and from thence to the village of Fredonia, in the county of Chautauque, with the privilege of erecting a toll-bridge over the Cattaraugus creek, be and they are hereby created a body corporate

Style. and politic, by the name and style of "The President, Directors and Company of the Niagara, Cattaraugus and Chautauque Turnpike and Bridge Company;" and by that name they and their successors shall have perpetual succession, and shall be and are hereby made capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places whatsoever, and shall make and use a common seal, and alter the same at pleasure; and they are hereby made

Proviso. capable in law of purchasing and holding any estate, real or personal, for the benefit of said company: *Provided*, That such real and personal estate, so to be purchased and held, shall be such only as shall be necessary to fulfil the end and intent of the said corporation.

Stock. II. *And be it further enacted*, That the stock of the said company hereby incorporated shall consist of three thousand shares, of twenty-five dollars each, and that Joseph W. Moulton, John W. Hanford, Orson Bennet, Nedabiah Angil and Mosely W. Abel, be and they are hereby appointed commissioners to receive subscriptions for said stock, in the manner described in and by the act entitled, "an act relative to turnpike companies," passed the 10th day of April, 1813.

Toll. III. *And be it further enacted*, That the said company hereby incorporated shall be entitled to exact and receive of and from every person travelling on or using said road, at the gates or turnpikes to be erected thereon, for any number of miles not less than ten, the following sums of money, and so in proportion for a greater or less distance on the said road, from the village of Buffalo to Cattaraugus creek, or to the distance of thirty miles, provided the said Cattaraugus creek shall not be thirty miles from the village of Buffalo: for every waggon, cart, or other wheeled carriage, drawn by two horses, mules or oxen, eighteen and three quarter cents; for every additional horse, mule or ox, four and a half cents; for every coach, coachee, phaeton or curricule, with two horses, thirty-seven and a half cents, for every additional horse, four and a half cents; for every sulkey, chair, chaise or one horse pleasure carriage, eighteen and three quarter cents; for every one horse waggon, nine cents; for every horse rode, led or driven, six cents; for every sleigh or sled, drawn by two horses, mules or oxen, nine cents,

for every additional horse, mule or ox, three cents ; for every sleigh or sled, drawn by one horse, mule or ox, six cents ; for every score of horses, mules or cattle, thirty cents, and in like proportion for a greater or less number ; for every score of sheep or hogs, twelve and a half cents, and in like proportion for a greater or less number : And for the remaining distance to the said village of Fredonia, the said company shall be entitled to exact and receive from every person travelling on or using said road, at the gates or turnpikes to be erected thereon, for any number of miles not less than ten, the following sums of money, and so in proportion for a greater or less distance : For every cart, waggon, or other wheeled carriage, drawn by two horses, mules or oxen, twelve and a half cents, for every additional horse, mule or ox, three cents ; for every coach, coachee, phaeton or curricule, with two horses, twenty-five cents, for every additional horse, three cents ; for every sulkey, chair, chaise, or other one horse pleasure carriage, twelve and a half cents ; for every one horse waggon, six cents ; for every horse rode, led or driven, four cents ; for every sleigh or sled, drawn by two horses, mules or oxen, six cents, and for every additional horse, mule or ox, two cents ; for every sleigh, drawn by one horse, mule or ox, four cents ; for every score of horses, mules or cattle, twenty cents, and in like proportion for a greater or less number ; for every score of sheep or hogs, eight cents, and in like proportion for a greater or less number.

IV. *And be it further enacted*, That the said company are ^{Bridge.} hereby authorised to erect a toll bridge over the Cattaraugus creek, where it is intersected by the said turnpike road, with the privilege of exacting and receiving tolls in every respect, and of the same amount, as they are by this act authorised to exact and receive for ten miles travel on the said last mentioned part of the said turnpike road,

V. *And be it further enacted*, That the said bridge shall be ^{Dimensions.} built at least twenty feet in width, and well covered with plank, not less than three inches in thickness, the sides to be secured with good and substantial railings, and so constructed as not to obstruct the navigation of said creek.

VI. *And be it further enacted*, That the time of completing said turnpike road shall be four years, from and after the passing ^{Time allowed.} of this act.

VII. *And be it further enacted*, That all such parts of the said ^{Part of the road how privileged.} turnpike road, which shall be made and completed at the end of four years, from the passing of this act, the said company shall continue to hold and enjoy all the privileges, rights and immunities in and to the same, as if the whole had been made and completed, any law to the contrary notwithstanding : *Provided*, That ^{Provided.} the east part of the said turnpike road shall be first made.

VIII. *And be it further enacted*, That the corporation hereby ^{Privileges.} created, shall have and enjoy all the rights and privileges, powers and immunities, which are given and granted in and by the aforesaid act, entitled "an act relative to turnpike companies," and shall be subject to all the conditions, provisions and regulations, contained in the said act, except so far as is otherwise herein provided and enacted.

Commission-
ers.

IX. *And be it further enacted, That Seth Abbot, of Ham-
burgh, Jacob Taylor, of Concord, and Seth Snow, of Hanover, be
and they are hereby appointed commissioners to lay out and esta-
blish said road.*

This act may
be repealed.

X. *And be it further enacted, That nothing herein contained
shall be construed to prevent the legislature at any time, after
fifteen years from the passing of this act, to alter and amend the
same.*

CHAP. CLXXXIV.

AN ACT to revive the act, entitled "*an act to incorporate the
Niagara and Cautauque Turnpike and Bridge Company.*"

Passed April 12, 1819.

Act revived.

I. *Be it enacted by the People of the State of New-York, re-
presented in Senate and Assembly, That the act, entitled "an
act to incorporate the Niagara turnpike and bridge company,"
passed February 28th, 1817, be and the same is hereby revived,
and the same shall continue in force for the period of two years,
from and after the passing of this act ; the provisions of any other
act or acts to the contrary notwithstanding.*

Power of
commission-
ers.

II. *And be it further enacted, That it shall be lawful for the
commissioners named in said act, resident in the county of Chau-
tauque, or a majority of them, to re-examine the route of the road
referred to in said act, from the village of Buffalo to the house of
Zenas Barber ; and if they should be of opinion that the public in-
terest should require the same to be altered, they are hereby autho-
rised to lay out the said road in such manner as they shall deem
fit and proper ; and after the same shall be completed, they are
hereby required to amend the map and survey of said road con-
formably thereto.*

CHAP. CLXXXV.

AN ACT for the relief of Michael Hogan

Passed April 12, 1819.

WHEREAS Michael Hogan, now of the town of Waterford, in the
the county of Saratoga, has, by his petition, presented to the legisla-
ture of this state, prayed that a law might be passed confirming two
certain leases of indenture, one bearing date the twentieth day of
October, and the other the twenty-third day of October, in the year
of our Lord one thousand eight hundred and seventeen, executed
by the trustee and other chiefs of the St. Regis Indians, on behalf
of their tribe, to him, the said Michael Hogan, his heirs and as-
signs, containing one hundred and forty-four acres ; and that cer-
tain benefits, privileges and advantages might be secured to him,
his heirs and assigns : Therefore,

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the said leases of indentures be, and hereby are confirmed to the said Michael Hogan, his heirs and assigns; and that he, the said Michael, his heirs and assigns, shall and may be entitled to, and placed upon the same footing with, the actual settlers and possessors of all or any of the lots or farms of land, heretofore purchased by the people of this state of the said St. Regis Indians, as to any privileges, benefit or advantage, which may hereafter be, by any act of the legislature of this state, secured to, or confirmed upon the actual settlers and possessors of said land purchased by the people of this state of said Indians, in as full and ample a manner, as they, the said settlers and possessors, shall and may be by virtue of such act.

CHAP. CLXXXVI.

AN ACT for the relief of the President and Directors of the Rensselaer Glass Factory.

Passed April 13, 1819.

WHEREAS the president and directors of the Rensselaer glass factory, together with the stockholders holding more than three-fourths of the shares in the capital stock of the said company, have, by their petition to the legislature, represented that they were incorporated on the twenty-eighth of February, one thousand eight hundred and six; that the object of their association was to manufacture glass; and by the last section of the act of incorporation, the company was restricted from applying any part of their capital to any other object than that of manufacturing glass: That the petitioners have invested a large capital, which, for a number of years, was applied exclusively to the manufacture aforesaid, until it was discovered that the business could not be prosecuted any further with a prospect of profit; that heavy losses had already been incurred in the persevering efforts of the directors to render the business productive of some benefit to the stockholders, and had therefore been abandoned, as the further prosecution of it would inevitably have produced still heavier losses; the petitioners pray that an act of the legislature may be passed authorising them to dissolve the corporation, to sell their estate, pay their debts and make distribution of their effects among the several stockholders, according to their respective interests in the corporation property: Therefore,

I. BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the president and directors of the Rensselaer glass factory to grant, bargain and sell all the estate, both real and personal, belonging to the said corporation, to any person or persons, and for such sum as to the president and directors shall seem reasonable and just, and to execute conveyances or transfers for the same; and that on every such sale a credit may be given to the purchaser or purchasers for the consideration money, or any part

Preamble:

Corporation may sell its estate.

thereof, if, in the opinion of the said president and directors, it shall be for the interest of the stockholders: *And further*, it shall be lawful for the said president and directors to take from the purchaser or purchasers, security for the payment of the consideration money, in such form as by them shall be deemed expedient.

After debts,
&c. paid, sur-
plus to be
divided.

II. *And be it further enacted*, That after the payment of all just debts and demands, due and owing by the said corporation, it shall be the duty of the said president and directors, immediately thereafter, to divide the surplus moneys, if any there shall be, among the several stockholders, according to the number of shares by them respectively held in the capital stock of said company.

And corpora-
tion then dis-
solved.

III. *And be it further enacted*, That as soon as the said president and directors shall have carried into effect the objects contemplated by this act, the said corporation shall be dissolved.

CHAP. CLXXXVII.

AN ACT for the payment of certain Officers of Government.

Passed April 13, 1819.

3 D. per diem
to the chap-
lains.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*. That the treasurer pay, on the warrant of the comptroller, to each of the several clergy who shall have attended the legislature, as chaplains, during the present session of the legislature, the sum of three dollars for every day they may have so attended; and that the number of days each shall have attended, shall be certified by the president of the senate and the speaker of the assembly.

D1 50 per d.
additional to
president se-
nate and
speaker,

II. *And be it further enacted*, That the treasurer shall pay, on the warrant of the comptroller, to the president of the senate and the speaker of the house of assembly, the sum of one dollar and fifty cents per day, for each day's attendance in their respective stations; to each member of the senate and assembly, the sum of one dollar per day for each day's travel and attendance in the legislature; to the clerks of the senate and assembly, and to their respective deputies, and to the sergeant at arms and the door keepers of the senate and assembly, and the door keeper of the council of appointment and council of revision, the sum of one dollar for each day's attendance, including the time either of them may have been absent, if detained by sickness, during the present session of the legislature, in addition to the compensation allowed them respectively in an act entitled, "an act for the support of government."

And 1 D. ad-
dition to sena-
tors and as-
semblymen,
&c. clerks, &c.

Expenses of
newspapers
to members
to be paid.

III. *And be it further enacted*, That the treasurer pay, on the warrant of the comptroller, to the clerks of the senate and assembly, the amount of all the expenses incurred by them, by a compliance with the concurrent resolution of the senate and assembly, of the eleventh and twelfth of January last, for furnishing certain newspapers for the members of the legislature.

IV. *And be it further enacted*, That the clerk of the senate and the clerk of the assembly, shall each be allowed and paid by the treasurer, on the warrant of the comptroller, the sum of four dollars per day, for an additional assistant employed by each of them during the present session, and each the sum of fifty dollars for making indexes to the journals of the present session.

D 4 per diem for assistant clerks.

And D 50 for index to the journals.

V. *And be it further enacted*, That the comptroller audit the accounts of Aaron Clark, for preparing a list of incorporations within this state, made pursuant to a resolution of the twenty-first day of April last, and that he draw his warrant on the treasurer of this state for the amount of such reasonable account.

A. Clark to be paid for list of incorporations.

VI. *And be it further enacted*, That the treasurer shall pay, on the warrant of the comptroller, the expenses to be incurred, and certified by the secretary of state, under two concurrent resolutions of the senate and assembly, passed at the present session of the legislature, directing the secretary to procure certain printed editions of colonial and state laws, and also certain journals of the legislature, and to cause certain books, maps, records and papers, in the said secretary's office, to be bound or rebound, and disposed of and arranged in cases, boxes, chests or shelves, as by the said two resolutions may more fully appear.

Certain expenses in secretary's office to be paid.

VII. *And be it further enacted*, That the treasurer shall pay, on the warrant of the comptroller, to Henry Bates, assistant door keeper to the house of assembly, the like pay as is or may be provided by law for the door keeper of the assembly, and to John H. Whipple, acting assistant door keeper to the house of assembly, at and after the rate and payment of three dollars and fifty cents per day, for each day he shall have attended the door of the house.

D 3 50 per diem to assistant door keepers.

VIII. *And be it further enacted*, That the treasurer pay, upon the warrant of the comptroller, to the several witnesses who were summoned and attended before the select committee of the assembly, to whom was referred that part of the speech of his excellency the governor, which relates to lotteries, the amount of their several accounts, for their expenses in attending the said committee, as the same shall be certified by the chairman thereof, and audited by the comptroller; and that the said treasurer pay, in like manner, to Peter I. Marselis, the amount of his account, to be certified and audited in like manner, for services in summoning the said witnesses, and for his expenses in making affidavits of the due service of the summonses upon them; and also, that the said treasurer, in like manner, pay to Richard Van Rensselaer and George Dexter, the same compensation for engrossing the minutes of the testimony taken before the said committee, as is allowed to the clerk of the senate and assembly for engrossing; their accounts therefor to be certified and audited as above directed.

Expenses of witnesses before lottery committee to be paid.

And also P. I. Marselis.

R. V. Rensselaer and G. Dexter, for certain services before said com.

IX. *And be it further enacted*, That the treasurer shall pay annually, on the warrant of the comptroller, to the keeper of the state library, as a compensation for his services, such sum as the trustees of the said library shall allow.

Keeper of state library to be paid.

X. *And be it further enacted*, That the comptroller shall audit and allow the accounts of the commissioners appointed in pursuance of the act, entitled "an act relative to the claims of John Jacob Astor, on certain lands in the county of Putnam, for their

Commissioners concerning Astor's claim to be paid.

actual expenses, and shall add thereto such sum as a compensation for their services, as the person administering the government of the state shall certify to be reasonable, and shall draw his warrant on the treasurer for the amount.

Com. to improve roads and bridges, D 2 per diem.

XI. *And be it further enacted*, That in all cases where commissioners or superintendents have been appointed by or in pursuance to any law of this state, to expend public moneys for the improvement of roads, or the erection of bridges, without any provision being made for the payment of such commissioners or superintendents for their services, it shall be lawful for the comptroller, on the final settlement of the accounts of any such commissioners or superintendents, to allow each at and after the rate of two dollars per day, for the time necessarily employed in the discharge of their respective duties.

D 1020 for clerks in comptroller's office.

Proviso.

XII. *And be it further enacted*, That the comptroller be and he is hereby authorised, to draw on the treasurer quarter yearly, for the present year, ending on the first day of May, one thousand eight hundred and twenty, for the payment of the necessary clerks required in his office: *Provided*, the same shall not exceed three thousand five hundred dollars, in lieu of the existing provisions by law for that object.

Stationary, &c. in said office to be paid.

Proviso.

XIII. *And be it further enacted*, That it shall be lawful for the comptroller to draw on the treasurer, for the expense of necessary stationary, firewood, bookbinding, printing, and other incidental charges of his office: *Provided*, an account of the items of expense be annexed to each warrant to be drawn, in lieu of the existing provisions by law for those objects.

D 619 \$7 for certain expenses in said office to be paid.

XIV. *And be it further enacted*, That it shall be lawful for the comptroller to draw on the treasurer, for six hundred and twelve dollars, thirty seven cents, expended by him for clerk hire and incidental expenses of office, from the first day of May, in the year eighteen hundred and eighteen; to the first day of April instant, over and above the allowance for those objects.

Comptrollers office, rooms enlarged, &c. D 606 appropriated.

XV. *And be it further enacted*, That in order to enlarge the room and accommodations for the comptroller's office, it shall be lawful for the surveyor-general to cause to be annexed to the comptroller's office such part of the room in which the surveyor-general's office is kept, as may be convenient and proper; and for defraying the expense thereof, and the expense of the necessary additional desks, cases, and other furniture, for both the said offices, the sum of six hundred dollars be and the same is hereby appropriated; and an account of the expenditure of the money which may be drawn out of the treasury, for the said objects, shall be rendered to and audited by the comptroller.

D 750 for contingent fund.

XVI. *And be it further enacted*, That the treasurer pay, on the warrant of the comptroller, to the person administering the government of this state, to defray the incidental expenses of administering the same, a sum not exceeding seven hundred and fifty dollars: *Provided*, That he shall account with the comptroller for the expenditure thereof.

D 22 94 for certain printing, &c.

XVII. *And be it further enacted*, That the treasurer, on the warrant of the comptroller, shall pay to the clerk of the senate such sum as shall be certified by the president of the senate, as the con-

ingent expenses of the extra session of the court for the trial of impeachments and the correction of errors, for printing and stationery, not exceeding the sum of twenty-eight dollars and ninety-four cents.

XVIII. *And be it further enacted*, That the treasurer shall pay, on the warrant of the comptroller, to Lewis Le Conteulx, sergeant at arms of the senate, for as many days as he attended the court for the trial of impeachments and the correction of errors, at the extra session thereof, the same allowance per day, as was allowed to the crier of the said court, and that his account be certified by the president of the senate.

Le Conteulx attendance on court of errors to be paid.

XIX. *And be it further enacted*, That the additional sum of two hundred dollars for the current year shall be allowed to Abraham Oake, the treasurer's clerk, to be paid quarter yearly.

D \$200 allowed to A. Oake

XX. *And be it further enacted*, That the treasurer shall, on the warrant of the comptroller, pay to the surveyor-general, the amount of his expenses, in performing the duties enjoined on him by the act, entitled "an act directing the surveyor-general to examine and report in relation to the public lands set apart for the use of the salt works in the county of Onondaga, and for other purposes," passed April 21, 1818.

Certain expenses of surveyor-gen. to be paid.

CHAP. CLXXXVIII.

AN ACT to incorporate the Society for promoting the Gospel among Seamen, in the port of New-York.

Passed April 13, 1819.

WHEREAS Jonathan Little, Henry Eckford, Heman Averill, Rensselaer Havens, Gabriel Havens, John Westfield, John Whitton, David G. Hubbard, and Cornelius Dubois, members of the society for promoting the gospel among seamen in the port of New-York, have petitioned the legislature for an act of incorporation, to enable them to attain the object of their association : Therefore,

Preamble.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That all such persons as now are, or hereafter may become members, of the said society, shall be and hereby are constituted a body politic and corporate, in fact and in name, by the name of "The Society for promoting the Gospel among Seamen in the port of New-York ;" and that by that name they and their successors shall and may for ever hereafter, have continual succession, and be, in law and equity, capable of suing and being sued, defending and being defended, in all courts and places, and in all manner of actions and cases whatsoever ; and that they and ther successors may have a common seal, and may change and alter the same at pleasure ; and that they and their successors, by their corporate name aforesaid, be capable in law and equity, of purchasing, holding and enjoying, for the use of the said society, any real and personal estate, and of selling and conveying the said real and personal estate so purchased, or any

Corporation created.

part thereof, for the benefit of the said society : *Provided always*, That the clear annual value, or income, of such real and personal estate, shall not exceed the sum of six thousand dollars.

Officers.

II. *Be it further enacted*, That there shall be a board of directors for said society, consisting of thirty members, and that the officers of said society shall consist of a president, four vice-presidents, a corresponding secretary, a recording secretary, and a treasurer; which officers shall be chosen by the directors, and constitute the officers of the board of directors, and of the society; and the said officers and directors shall hold their offices for one year from the time of their election, or until others are appointed in their room; that the annual meeting of the said society shall be held on Monday, next preceding the second Tuesday in May, at such place as the directors shall appoint; at which time the directors of the society shall be chosen; and the said directors shall elect the officers of the society immediately thereafter; and in case any vacancy should happen among the directors or officers, such vacancy shall be filled by the directors, at such time and place as they shall appoint; and such director or officer, so appointed, shall continue in office, till the next regular election of the society; and that Jonathan Little, Henry Eckford, Lockwood De Forest, Joseph Otis, Rensselaer Havens, William Carns, John P. Mumford, Gabriel Havens, John R. Hurd, Anson G. Phelps, John Withington, John Westfield, John Whetten, Peletiah Perit, Josiah Sturges, Thomas C. Butler, Theodore Dwight, David G. Hubbard, Cornelius Dubois, Rufus Davenport, James Lovett, Najah Taylor, Henry Thomas, Heman Averill, Samuel Marsh, David L. Dodge, Samuel A. Lawrence, Eliakim Raymond and Frederick W. Porter, shall be directors of the said society; and that Jonathan Little shall be president; John P. Mumford, first vice-president; Cornelius Dubois, second vice-president; John Westfield, third vice-president; Najah Taylor, fourth vice-president; Ward Safford, corresponding secretary; Heman Averil, recording secretary; and Rensselaer Havens, treasurer, until the Monday, next preceding the second Tuesday of May, one thousand eight hundred and twenty.

First Directors.

By-laws.

III. *And be it further enacted*, That the said directors, and their successors, shall have power to make such by-laws as they may deem proper to carry into effect the objects of the said society, for the election of officers and members, and also for the management of the corporate property, and conducting the concerns of the said society : *Provided* the same be not inconsistent with the laws or constitution of this state, or of the United States.

A public act.

IV. *And be it further enacted*, That this act be and is hereby declared a public act, and shall be construed favorably in all courts and places for the purposes therein intended, and that no misnomer of the said corporation in any deed, gift, grant, demise, or other instrument of contract or conveyance, shall vitiate the same : *Provided*, the corporation shall be sufficiently described to ascertain the intention of the parties.

Meetings.

V. *And be it further enacted*, That at every meeting of said society, when three members of the direction are met, they shall have power to adjourn from time to time, and when seven direc-

tors are met, they shall have power to transact all business of the society.

VI. *And be it further enacted*, That the president of the said directors may call a special meeting of the said society whenever he shall think the same necessary for the benefit of the said society. Special meet-
ing.

CHAP. CLXXXIX.

AN ACT to incorporate the Members of the Genesee Annual Conference.

Passed April 13, 1819.

WHEREAS it hath been represented to this legislature by the committee appointed by and on behalf of the methodist episcopal church belonging to the Genesee annual conference, that it is desirable to raise a fund for the purpose of assisting the itinerant supernumerary and superannuated ministers, their-wives and children, belonging to said conference, and have prayed legislative aid for an act of incorporation to enable them to conduct such funds as hath or may be raised for that purpose: Therefore,

I. *BE it enacted by the People of the State of New-York*, represented in Senate and Assembly, That Marmaduke Pierce, Dan Barns, Ralph Lanning, William Case, Henry Ryon, George W. Densmore and Michael Burge, and their successors to be appointed as hereinafter is ordained, shall be and hereby are constituted a body corporate and politic, in fact and in name, by the name of "The Trustees of the Funds of the Genesee Conference;" and by that name shall have succession, and be in-law capable of suing and being sued, defending and being defended in all courts and places, and in all manner of actions, suits and cases whatsoever; and may have a common seal, and change the same at pleasure; and by that name and style be capable in law of taking, purchasing, holding and conveying, both in law and equity, any estate, real and personal: *Provided always*, the value of the real estate so by them held shall not exceed the sum of ten thousand dollars, nor the clear yearly income of both the real and personal estate by the said corporation held and possessed exceed the sum of five thousand dollars. Preamble,
Corporation
created.
Style.
Proviso.

II. *And be it further enacted*, That there shall for ever hereafter be seven trustees of the said corporation, who shall be divided into three classes, to be numbered, one, two and three; the places of the first class, or number one, shall become vacant in one year from the next meeting of the said Genesee annual conference; the places of the second class, or number two, in two years from the said meeting; the places of the third class, or number three, three years from the said meeting; and the vacancies in the said several classes to be, from time to time, filled up as hereinafter mentioned; and that the aforesaid Marmaduke Pierce, Dan Barns, Ralph Lanning, William Case, Henry Ryon, George W. Dens- Trustees.
First trustees

more and Michael Burge, be the first trustees of the said corporation.

Vacancies. III. *And be it further enacted,* That upon the vacancy of the place or places of any of the said trustees by death, resignation, expulsion, or expiration of their trusteeship according to the term thereof as above limited, such vacancy shall be filled up by the Genesee annual conference, at their next session thereafter, who shall nominate and appoint the persons who shall fill up such vacancies as aforesaid; of which nomination and appointment so made, a certificate shall be given containing the name or names of the person or persons so nominated and appointed; which certificate shall be signed by the president, and countersigned by the secretary, of the said annual conference, and registered in the books of the said corporation; whereupon the person or persons therein named shall become, to all intents and purposes, a trustee or trustees of the said corporation: *Provided always,* such person or persons so nominated and appointed shall have been at least for five years preceding thereto an itinerant preacher of the methodist episcopal church, according to the rules and discipline thereof, and at least twenty-five years of age.

President & secretary. IV. *And be it further enacted,* That the said trustees of the said corporation shall meet at least once, and oftener if need be, in every year, at such time and place as a majority of them shall deem most convenient; and at every such meeting the said trustees shall proceed, in the first place, to elect, out of their own number, by a majority of votes, two persons, the one to act as president, and the other as secretary; the first meeting of the said trustees to be on or before the next meeting of the said Genesee annual conference; at which meeting, and at all subsequent meetings, the said trustees, or a majority of them, shall have power to make such by-laws, rules and regulations, for the government of the said corporation, or regulate the number of trustees who shall constitute a quorum for the despatch of business, for the management of their concerns and distribution of their funds, and for all and every purpose relating to the purposes of the said corporation, and carrying the same into effect pursuant to the intentions of this act, as to the said trustees, or a majority of them, or of a quorum, shall seem fit: *Provided always,* the same be not inconsistent with the laws and constitution of this state, or the United States, nor direct the appropriation or application of the funds of the said corporation to any other purposes than those contemplated by this act.

May sell estate. V. *And be it further enacted,* That when and so often as the said trustees, or a majority of them, shall deem conducive to the interests of the said corporation, and beneficial to the purposes wherefor the same is hereby incorporated, to sell or otherwise dispose of any part of the real or personal estate of the said corporation, or charge or incumber the same, it shall be their duty to make a representation thereof, in writing, to the itinerant ministers and preachers of the aforesaid Genesee conference at their then next annual meeting; and if two-thirds of the said ministers and preachers, in the said conference assembled, shall agree to the prayer or request in such representation contained, or to any part thereof, a certificate, to be signed by the president, and countersigned by the

secretary, of the said conference, expressing their agreement thereto, and specifying the nature, and value in amount, of the estate of the said corporation, to the sale or other disposition whereof they agree; which certificate shall be transmitted to the said trustees, and be by them recorded in the books of the aforesaid corporation hereby created: *Provided always*, That the proceeds, whether they be money or other property, shall be invested or settled and held, as the case may require, to and for the uses and purposes in and by this act provided and ordained, and the income or interest thereof applied solely to the purposes for which the above named corporation is hereby created.

VI. *And be it further enacted*, That this act shall be and hereby is declared to be a public act, and that the same shall be construed benignly and favorably for every beneficial purpose hereby intended; nor shall any non-user of the privileges hereby granted to the said corporation create or produce any forfeiture of the same, and no misnomer of the said corporation, in any deed, will, testament, gift, grant, demise, or other instrument, contract or conveyance, shall defeat or vitiate the same: *Provided*, the corporation be sufficiently described to ascertain the intention of the parties.

VII. *And be it further enacted*, That the legislature may at any time hereafter repeal or modify this act as they may think proper.

CHAP. CXC.

AN ACT to alter the Boundaries of Seneca County.

Passed April 13, 1819.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the town of Covert, now in the county of Tompkins, shall be and the same is hereby annexed to and made a part of the county of Seneca: *Provided however*, That all suits, actions and proceedings, in any court whatever, which have been already commenced, or may be commenced before the first day of June next, may and shall be carried on and prosecuted to trial, judgment and execution, in the same manner as if this act had not been passed.

CXCI.

AN ACT to divide the towns of Livonia and Groveland, in the county of Ontario.

Passed April 13, 1819.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That all that part of the township number eight, in the sixth range of townships, in the

county of Ontario, now included in the towns of Livonia and Groveland, except that part of said township number eight, laying on the east side of Hemlock lake, and adjoining the town of Richmond, shall be and the same hereby is erected into a separate town, by the name of Freeport; and the first town meeting in the said town of Freeport, shall be held at the twelling-house of Enoch Squible.

Territory annexed to Richmond.

II. *And be it further enacted*, That all that part of said township number eight, laying on the east side of Hemlock lake, and adjoining the town of Richmond as aforesaid, shall be and the same hereby is annexed to the said town of Richmond.

Residue of towns retain their names, &c.

III. *And be it further enacted*, That all the remaining parts of the said towns of Livonia and Groveland, shall be and remain separate and distinct towns, by the names of Livonia and Groveland.

Poor, &c. divided.

IV. *And be it further enacted*, That as soon as may be, after the first Tuesday of April next, the supervisors and overseers of the poor of the said towns of Livonia and Groveland, and Freeport, shall, by notice to be given for that purpose by the supervisors thereof, meet together and apportion the poor maintained by the said towns of Livonia and Groveland, and the poor money belonging to the same previous to the division thereof, agreeable to the last tax list; and that each of the said towns of Livonia, Groveland and Freeport, shall for ever thereafter support its own poor.

CHAP CXCH.

AN ACT to suppress Common Showmen, Mountebanks, and Jugglers.

Passed April 13, 1819.

Common showmen, Mountebanks and jugglers.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That from and after the first day of July next, it shall not be lawful for any person or persons, to exhibit or perform, for gain or profit, any puppet show, wire dance, or any other idle shows, acts or feats, which common showmen, mountebanks or jugglers, usually practise or perform, in any town in this state; nor shall it be lawful for any owner or occupant of any house, out-house, yard or field, to furnish accommodations therefor; and for each and every offence against the provisions of this act, the person or persons so offending shall forfeit the sum of twenty-five dollars, with costs of suit, to be recovered in an action of debt, in any court having cognizance thereof, to the use of the poor of the town where said offence shall be committed, which penalty shall be prosecuted for in the name of the overseers of the poor of said town: *Provided however*, That nothing above contained, shall be construed to extend to any museum or repository of natural curiosities, wax figures, useful works of art, or to the exhibiting of any animal, painting, or natural curiosity, in any town in this state.

Subject to penalty.

Proviso.

II. *And be it further enacted*, That it shall not be lawful for any person or persons, for gain or profit, to show or exhibit any animal, painting, natural or artificial curiosity, or any other thing not prohibited by the first section of this act, in any town in this state, under the like penalty, to be prosecuted for, and disposed of, in like manner as is provided in said section, unless he or they shall first obtain for that purpose, a permission, in writing, signed by two justices of said town; which permission shall describe the nature of such exhibition, and for the granting of which the said justices shall take no fee or reward.

Exhibitions of animals, &c. permitted on license obtained.

III. *And be it further enacted*, That it shall be the duty of the overseers of the poor of the several towns in this state, and they are hereby required, to cause this act to be executed against any person or persons who shall violate the same, within their respective towns; and the expenses thereof shall be charged and allowed in the same manner as are the expenses of their other appropriate duties.

Overseers of the poor to enforce this act.

IV. *And be it further enacted*, That when any action is commenced by virtue of this act, the defendant shall be holden to bail, or give security as in ordinary cases, and such suit shall not abate by the death, resignation, or removal from office, of such overseers, or any of them, but shall be prosecuted to judgment and execution, in the same names, and in like manner, as if no death, resignation or removal, had taken place.

Bail is suit for penalties, and not to abate by death &c.

CHAP. CXCIH.

AN ACT to extend the Gaol Limits of the county of Ontario, and for other purposes.

Passed April 13, 1819.

I. *BE it enacted by the people of the State of New-York*, represented in Senate and Assembly, That from and after the passing of this act, the gaol limits of the county of Ontario shall be extended so as to comprehend the whole of the village of Canandaigua as incorporated by an act of the legislature, passed the eighteenth day of April, one thousand eight hundred and fifteen, entitled, "an act to vest certain powers in the freeholders and inhabitants of the village of Canandaigua."

Gaol limits of Ontario extended.

II. *And be it further enacted*, That the gaol limits of the county of Chenango shall extend so as to contain the whole of the village of Norwich in said limits.

The like of Chenango.

CHAP. CXCIV.

AN ACT to incorporate the Cortland and Owego Turnpike Company.

Passed April 13, 1819.

Corporation created.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That James Chatterton, Gideon Messenger, Josiah Hart, Moses Rice and Grove Cooley, and such other persons as shall associate together for the purpose of making a good and sufficient turnpike road from Cortland village, in Cortland county, to Owego village; beginning at or near the store of W. and R. Randalls, in Cortland village, and from thence to Virgil four corners; and from thence to Josiah Hart's; and from thence to Beriah Well's, in the town of Berkshire; and from thence to Owego village, in the county of Broome; their successors and assigns, be and they are hereby created and made a body corporate and politic, by the name and style of "The President, Directors and Company of the Cortland and Owego Turnpike Road;" and they are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name; and by that name they and their successors shall and may have continual succession, and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts whatsoever, in all manner of actions and complaints, matters and causes; and by the same name and style shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of the said corporation: *Provided*, That such estate, as well real as personal, so to be purchased and held, shall be necessary to fulfil the end and intent of said corporation, and for no other purpose.

Style.

Provided.

Stock.

II. *And be it further enacted*, That the stock of said company hereby incorporated, shall consist of eight hundred shares, of thirty dollars each; and that Roswell Randall, Gideon Messenger, Josiah Hart, Beriah Wells, Otis Lincoln and Charles Pompella, be and they are hereby appointed commissioners to receive subscriptions for said stock, in the manner directed in and by the act entitled, "an act relative to turnpike companies," passed the thirteenth of March, one thousand eight hundred and seven.

Gates.

III. *And be it further enacted*, That the said company hereby incorporated shall be entitled to ask and receive, at the turnpike gate or gates to be erected on said road, for any number of miles not less than ten, in length, of the said road, the following sums of money, and so in proportion for any greater or less distance, for

Toll.

all persons travelling on or using said road: for every cart or waggon, drawn by one horse, mule or ox, six cents; for every cart or waggon, drawn by two horses, mules or oxen, twelve and an half cents, and for every additional horse, mule or ox three cents; and for every stage waggon, chariot, coach, coachee, phaeton, curricule, or other pleasure carriage, drawn by two horses, twenty-five cents, and for every additional horse, six cents; for every chair, sulkey or chaise, drawn by one horse, twelve and an half cents, and six

cents for every additional horse ; for every horse, rode, led or driven, four cents ; for every sleigh or sled, drawn by two horses, mules or oxen, six cents, and for every additional horse, mule or ox, three cents ; for every sleigh or sled, drawn by one horse, mule or ox, four cents ; for every score of cattle, horses or mules, twenty cents ; for every score of sheep or hogs, six cents ; and so in a greater or smaller degree in proportion.

IV. *And be it further enacted*, That Abraham Brown, Grove Cooley and James Chatterton, be and they are hereby appointed commissioners to lay out said road, directed in and by this act, according to the best of their judgment and understanding, without favor or partiality. Commissioners to lay out road.

V. *And be it further enacted*, That it shall and may be lawful for the company hereby incorporated to complete the turnpike road hereby authorised according to the dimensions of the fifth great western turnpike road company, in an act to incorporate the fifth great western turnpike company. Dimensions, &c. of road.

VI. *And be it further enacted*, That the company hereby incorporated shall have and enjoy all the privileges, powers and immunities which are given and granted in and by the aforesaid act entitled, "an act relative to turnpike companies ;" and shall be subject to all conditions, provisions, restrictions and regulations contained in the said act, except so far as is otherwise herein provided and enacted. General powers.

VII. *And be it further enacted*, That there shall not be any turnpike gate erected within two miles of Virgil village. Gate not within two miles of Virgil

CHAP. CXCV.

AN ACT to authorise the Board of Supervisors of the county of Tompkins to raise money, by tax, to complete the Court-House and Gaol, in said county.

Passed April 13, 1819.

I. *BE it enacted by the people of the State of New-York*, 3,000 dollars, to be raised by tax. *represented in Senate and Assembly*, That the board of supervisors of the county of Tompkins shall, at their annual meeting, in October next, cause to be raised a sum not exceeding three thousand dollars, over and above the ordinary expenses of collecting the same ; which said sum shall be levied and collected in the same manner as the other contingent charges of the county are raised, levied and collected ; the one-half of said sum of three thousand dollars shall be raised, levied and collected with the ordinary county tax of 1819 ; the other half of said sum with the ordinary county tax of 1820 ; for the purpose of completing the court-house and gaol, in said county.

II. *And be it further enacted*, That Luther Gere, William R. Collins and Daniel Bates, commissioners, appointed by the act passed April 7th, 1817, entitled, "an act to divide the counties of Seneca and Cayuga, and for other purposes," to superintend the building of the court-house and gaol, in said county of Tompkins, Powers of commissioners.

may draw an order on the treasurer of the said county of Tompkins for the said sum of three thousand dollars, or any part thereof, whenever the same shall be received by the treasurer ; which said sum shall be appropriated by them in completing said court-house and gaol.

CHAP. CXCVI.

AN ACT to erect a new town from parts of the towns of Cobleskill and Jefferson, in the county of Schoharie.

Passed April 13, 1819.

Town of Sum-
mit erected.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That from and after the twentieth day of February next, all those parts of the towns of Cobleskill and Jefferson aforesaid, beginning on the line dividing the counties of Schoharie and Otsego, in the middle of the road where said line crosses the public highway, near the dwelling-house of the late John Crane, and extending thence easterly, in the town of Cobleskill, to the southernmost part of the dwelling-house of Lewis Langdon; thence to the southernmost part of the dwelling-house of Jonah Westover; and thence in a right line by the southernmost part of the dwelling-house of James P. Abbit to the line of the town of Middleburgh; thence southwardly on the line dividing the towns of Cobleskill and Middleburgh to the town of Jefferson; thence easterly on the line dividing the towns of Middleburgh and Jefferson to the northwestern corner of the town of Blenheim; thence southerly on the line dividing the towns of Jefferson and Blenheim to the southeastern corner of the second tier of lots in the town of Jefferson; thence westerly, in the said last mentioned town, to the northeast corner of the Charlotte river patent; thence on the height of land to the southwestern corner of the patent of Strattsburgh, and line of Delaware county; thence westerly on the lines dividing the counties of Schoharie and Delaware to the county of Otsego; thence northerly on the line dividing the counties of Schoharie and Otsego to the place of beginning, be and the territory above described hereby is erected into a new town by the name of Summit.

II. *And be it further enacted*, That the remaining part of the town of Cobleskill shall be and remain a separate town by the name of Cobleskill, and the remaining part of the town of Jefferson shall be and remain a separate town by the same name; and the first town meeting in the said town of Summit shall be holden at the house of Martin Huffman, in the now town of Cobleskill.

Poor funds
divided.

III. *And be it further enacted*, That as soon as may be after the first Tuesday in March next, the supervisors, and overseers of the poor, of the said towns of Cobleskill and Summit, and also of the town of Jefferson, on notice being seasonably given by the overseers of any of the said towns as shall be concerned, of a time and place when and where they shall meet together, and divide the money and credits, or debts and incumbrances, as the case may be.

and the poor belonging to the said towns of Cobleskill and Jefferson, before the division thereof, agreeably to the last preceding tax lists of the said towns ; and that each and every of the said towns shall for ever thereafter respectively keep and maintain its own poor.

CHAP. CXCVII.

AN ACT to incorporate the Village of Morrisville, in the county of Madison, and for other purposes.

Passed April 13, 1819.

I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That all that part of the town of Eaton, in the county of Madison, contained within the following bounds, to wit : Beginning at the presbyterian meeting house, in the village of Morrisflats, and extending thence one half mile due north, one half mile due east, one half mile due south, and one half mile due west, and thus containing one square mile, with the meeting house in the centre, shall be known and distinguished by the name of " The village of Morrisville ;" and the freeholders and inhabitants residing within the same, qualified to vote at town meetings, may, on the first Tuesday of May next, meet at some proper place within the said village, to be appointed by any justice residing in said village, public notice of such meeting having been given at least one week previous thereto ; and then and there proceed to elect five freeholders, of said village, to be trustees thereof ; and that the said justice shall preside at such meeting, and declare the several persons having a majority of votes, duly chosen as trustees ; and on every first Tuesday of May thereafter, there shall, in like manner, be a new election of trustees for said village, and the trustees for the time being, shall preside at such election, and shall in like manner give notice of the time and place of holding the same. Bounds.
Style.

II. And be it further enacted, That the freeholders and inhabitants aforesaid, are hereby constituted, and declared to be, a body politic and corporate, by the name of the " Trustees of the village of Morrisville ;" and by that name they and their successors may have perpetual succession, and be persons in law capable of suing and being sued, and of defending and being defended, in all courts of justice, and in all actions, causes, and complaints whatsoever ; and may have a common seal, and may alter the same at pleasure ; and shall be in law capable of holding, purchasing and conveying any estate, real or personal, for the public use of said village, and of erecting any public buildings, aqueducts, and digging any reservoirs for water for the use of said village, and keeping in repair such buildings, aqueducts and reservoirs ; of purchasing and keeping in repair fire-engines, ladders, buckets, and other instruments for extinguishing fire ; of making a reasonable compensation to the officers of the corporation ; of making any necessary repairs or improvements in said village ; of preventing and removing any nuisances, and of raising money by tax for Powers and privileges.

the above purpose ; which money so to be raised, shall be assessed upon the freeholders and inhabitants of the said village, in proportion to the relative value of their property therein, to be assessed by three judicious assessors, to be chosen from amongst the freeholders of said village, at the regular annual meeting of said village, and collected by a collector to be appointed by the trustees aforesaid, for the time being, or a majority of them, in like manner as the taxes of towns and counties are collected, by virtue of

Proviso. a warrant to him directed by a majority of the trustees : *Provided nevertheless*, That no taxes shall be levied or moneys assessed, raised or collected, for the purposes aforesaid, nor any purchases or sales of any real or personal estate be made, nor public buildings erected, or disposed of, without the consent of the freeholders and inhabitants aforesaid, or a major part of them, who shall attend at a public meeting duly notified by the trustees as aforesaid : *And provided further*, That every assessment made for the

Further proviso.

raising, levelling, paving or repairing any streets, alleys or highways, shall be assessed on and collected from the lots and ground next adjacent to such street, alley or highway, in proportion to their relative value, and advantages to be derived from such improvement ; that it shall be lawful for the freeholders and inhabitants of said village, as often as they shall vote to raise any sum or sums of money, for any of the purposes aforesaid, to specify, as far as is convenient, the particular purpose for which said sum or sums, or any part thereof, shall be appropriated, that the assessors may have regard thereto in assessing the same upon the respective freeholders and inhabitants of said village : *Provided nevertheless*, That if any person shall conceive himself or herself aggrieved by any such assessment, it shall be lawful for such person to appeal from the said assessors to the trustees of the said village, in ten days after such assessment shall be made and public notice thereof given ; giving notice to the said assessors or any one of them, and to the said trustees, or a majority of them, of such appeal, and of the time of day, and place in the village, of presenting such appeal to the said trustees, who shall then and there hear the same, and do justice in the premises.

Further proviso.

By-laws. III. *And be it further enacted*, That it shall be lawful for the trustees of the said village, or the major part of them, and their successors, to make, ordain, constitute and publish such prudential by-laws, rules and regulations, as they from time to time may deem meet and proper ; and such particularly as relate to the streets, alleys, and highways of the said village, and draining, filling up, repairing, keeping in order and improving the same ; relative to slaughtering houses and nuisances generally ; relative to restraining geese, swine, or cattle of any kind ; relative to the inspection of weights and measures ; relative to the keeping and regulating hay-scales ; and relative to any thing whatsoever that may concern the public and good government of said village ; but no such by-laws shall extend to the regulating or fixing the prices of any commodities or articles of provision offered for sale : *Provided also*, That such by-laws be not contrary to, nor inconsistent with, the laws of this state nor of the United States : And it shall also be lawful for said trustees, or the majority of them,

to require the householders and occupants of buildings, in said village, under suitable penalties, to furnish themselves with fire-buckets, and other necessary utensils for extinguishing fires, and also keep their fire-places and chimnies clean and in good repair.

IV. *And be it further enacted*, That the said trustees, or the major part of them, as often as they shall make, ordain and publish, any by-laws for the purposes aforesaid, may make, ordain, limit and provide such reasonable fines, penalties and forfeitures, against the offenders of such by-laws, as they may think proper, never exceeding twenty-five dollars for any one offence, to be prosecuted before any justice of the peace of the said county, by the trustees, to and for the use of said village; and in all cases it shall be deemed sufficient for said trustees, in any suit or action to be brought for any such fines, penalties or forfeitures, to declare generally that the defendant or defendants are indebted generally to the trustees of the village of Morrisville, in the amount of such fine, penalty or forfeiture, to be paid to the said trustees for the time being, when thereunto required, and under such declaration to give the special matter in evidence; and the freeholders and inhabitants of said village shall be deemed and are hereby declared competent to give testimony in any cause wherein the said trustees are a party, notwithstanding any remote interest they may have as members of said corporation.

Fines.

V. *And be it further enacted*, That the freeholders and inhabitants qualified to vote as aforesaid, shall, in every year, at the annual meeting, and they are hereby authorised, to choose, by a major vote, three judicious freeholders, inhabitants of said village, as assessors, and one treasurer.

Assessors & treasurer.

VI. *And be it further enacted*, That it shall be the duty of the trustees, or a majority of them, and they are hereby authorised to appoint under the hand of the president and seal of the village, one collector and one clerk; and it shall be the duty of the clerk to keep a faithful record of all the doings of the freeholders and inhabitants of said village, at their annual and other legal meetings, in a book to be provided by the trustees for that purpose.

Collectors, & clerk.

VII. *And be it further enacted*, That the trustees, assessors and treasurer, so to be chosen as aforesaid, and the collector and clerk, so to be by the trustees appointed as aforesaid, shall within ten days after each election and appointment, and before they proceed to the exercise of their several offices, severally take and subscribe an oath or affirmation before a justice of the peace of the said village or county, for the faithful performance and execution of the trust or office to which they may be severally chosen, elected or appointed.

Oath.

VIII. *And be it further enacted*, That the trustees, within ten days after their election, in every year, or the major part of them, shall, and it is hereby made their duty, to assemble in said village and to choose and appoint some suitable person of their body to be president of said board of trustees, whose duty it shall be, when present, to preside at the meeting of the trustees, to order extraordinary meetings of the trustees whenever he shall think proper, to receive complaints of the breach of any of the by-laws, to see that the by-laws, rules and ordinances are faithfully executed and ob-

President.

served, and to prosecute, in the name of the trustees, all offenders against such by-laws, and to see that the public property, belonging to said village be suitably taken care of and kept in order, and to do such other acts and things as may be proper for him as president of the board of trustees; and in case of the death or disability of such president, the said trustees shall choose out of their body a successor, in manner as above mentioned.

Accounts to
be kept, &c.

IX. *And be it further enacted*, That the trustees shall keep a just and accurate account of their necessary expenses and disbursements, at all reasonable times open to inspection of the inhabitants of said village, and on exhibiting the same to the treasurer shall be entitled to receive the amount thereof out of any money in the treasury; and that the treasurer, assessors, collector and clerk shall be paid for their services such suitable compensation as the said trustees, or a majority of them, by a by-law of the corporation, shall provide; and that the said trustees shall reserve for their services such reasonable compensation as the inhabitants of said village, at their annual meetings, shall think proper to grant and allow.

Collector's
duty.

X. *And be it further enacted*, That the collector shall, within such time as shall be hereafter specified by the by-laws of said corporation, next after the receipt of his warrant for the collection of any tax that may have been ordered to be raised, collect and pay over the same to the treasurer; and all moneys at any time in the hands of the treasurer, shall be liable to be drawn out by the trustees or a major part of them, and applied and disposed of as shall have been directed by the inhabitants of said village.

Duration of
office.

XI. *And be it further enacted*, That the trustees to be elected by virtue of this act, shall continue in office until the first Tuesday in May next following after their election, and until new trustees shall be chosen and qualified; that the assessors, treasurer, collector and clerk, chosen and appointed, shall hold their respective offices one year from the time of their election or appointment, and until others are chosen and appointed in their stead.

Morrisville
& Cazenovia
made road
districts.

XII. *And be it further enacted*, That the said village of Morrisville, and the village of Cazenovia, in the said county of Madison, be and the same is hereby constituted separate road districts, subject to be subdivided by the trustees of said villages, or a major part of them, and that the same be exempt from the superintendence of the commissioners of highways of the towns of Eaton and Cazenovia; and the said trustees shall have all the powers over the said road districts, and discharge all the duties which by law are given to and enjoined upon commissioners of highways, and subject to the like restrictions and appeals; and it shall be lawful for the freeholders and inhabitants, at their annual meetings, to choose one overseer of highways, for each subdivision of the districts, which overseers shall have the same power and be subject to the same regulations as overseers of highways by law now have, giving in their lists, and being accountable to the trustees in the same manner as overseers of highways are bound by law to do to the town clerks and commissioners of highways.

Firemen.

XIII. *And be it further enacted*, That it shall be the duty of the trustees, or a majority of them, and they are hereby empower-

ed to appoint, under the hand of the president and seal of the village, three fire-wardens and a company of fifteen firemen, out of the inhabitants of said village, to have the care and management of the fire-engines and implements for extinguishing fires ; and the trustees, or a majority of them, may remove all or any of the wardens or firemen, and appoint others in their stead, as often as they shall think proper.

XIV. *And be it further enacted*, That if any of the inhabitants of said village, qualified as aforesaid, shall be chosen a trustee, and having notice of his election, shall refuse or neglect to take upon him the said office, it shall be lawful for the trustees, who do accept said office, to impose a fine upon any person so neglecting or refusing, not exceeding twenty-five dollars, to be recovered as other fines and penalties are to be recovered by this act, and to the use of the said village. Penalty for refusing to act.

XV. *And be it further enacted*, That this act be and is hereby declared to be a public act, and shall be construed benignly and favourably for every beneficial purpose herein intended. A public act.

CHAP. CXCVIII.

AN ACT to incorporate the Wesleyan Seminary.

Passed April 13, 1819.

WHEREAS Joseph Smith, George Suckley, and several others, have associated themselves for the laudable and benevolent purpose of establishing a seminary, in the city of New-York, for the diffusion of general education to the youth of both sexes, and have presented a petition to the legislature of this state, in assembly convened, praying that they may, for the better carrying into effect the purpose aforesaid, be incorporated under the name of "The Wesleyan Seminary : " Therefore, Preamble.

I. *BE it enacted by the people of the State of New-York*, represented in Senate and Assembly. That the said Joseph Smith, and George Suckley, and their associates, James Palmer, Robert Snow, John C. Totten, Lancaster S. Burling, the Reverend Free-born Garretson, the Reverend Samuel Merwin, and the Reverend Nathan Bangs, and their successors, shall be and are hereby ordained, instituted and declared, a body corporate and politic, in fact and in name, by the name of "The Wesleyan Seminary ; " and by that name they and their successors, for ever hereafter, shall and may have succession, and be, by that name, capable of suing and being sued, defending and being defended, in all courts and places, and in all manner of actions, suits and cases whatsoever ; and may have a common seal, and change the same at pleasure ; and by that name and style, be capable of purchasing, taking, holding and conveying, both in law and equity, any estate, real and personal : *Provided always*, the value of the real estate, so by them held, shall not exceed the sum of one hundred thousand dollars ; nor the clear yearly income of the personal estate by them possessed, exceed the sum of ten thousand dollars. Corporation created. Style. Proviso.

Trustees.

II. *And be it further enacted*, That there be, for ever hereafter, until on the joint recommendation of the trustees and committee of the said corporation, the New-York annual conference of the Methodist church, shall otherwise order and determine, nine trustees, who shall be appointed by the said New-York annual conference ; three of whom shall be members of the said conference ; and six members of the Methodist episcopal church, in the city of New-York, or its vicinity : *And also*, until as above otherwise determined, a standing committee of five persons ; and that the first trustees of the said corporation shall be, the reverend Freeborn Garretson, the reverend Samuel Merwin, the reverend Nathan Bangs, Joseph Smith, George Suckley, James Palmer, Robert Snow, John C. Totten, and Lancaster S. Burling ; and that the first standing committee, shall be, the reverend Joshua Soule, the reverend William Phebus, the reverend Laban Clark, the reverend Joel Ketchum, and the reverend Seth Crowel.

First trustees.

General powers.

III. *And be it further enacted*, That the said trustees and committee may make such by-laws, rules, regulations and ordinances, for the appointment, election and choosing of officers, their continuance in office, their number, their style or names of office, their duties and salaries, how many shall constitute a quorum for the despatch of business, for the government and discipline of the seminary, the number, and course of study, of the pupils, the terms and ages on, and at which, they shall or may be received, and expelled or dismissed, for the management and investment of the funds and property of the said corporation : *Provided*, That the same shall in no manner be applied to any monied operations : And for the conducting of all their concerns, of every kind and nature whatsoever, in order to carry into effect the purposes and objects of this corporation in all particulars, whether enumerated or not, as to them, the said trustees and committee, shall seem proper from year to year ; and shall lay the same before the said New-York annual conference, which shall be the by-laws, rules, regulations, and ordinances of the said seminary, until the said New-York annual conference shall otherwise direct ; from and after which, such by-laws, ordinances and regulations, as the said New-York annual conference shall ordain and direct, shall in all and every of the above and other particulars and respects whatsoever, be the by-laws, ordinances and regulations of the said corporation : *Provided*, the same be not inconsistent with the laws and constitution of this state, or of the United States.

Recital.

And whereas, it is extremely desirable that a fund, or foundation, be established, for the gratuitous education and maintenance of youth, whose parents may not be able to pay or defray the expense thereof ; or, who, from being orphans, may be destitute of the means of obtaining the same :

Personal estate.

proviso.

IV. *BE it further enacted*, That the said corporation shall be at liberty, and are hereby authorised and enabled, to receive, hold, take and possess, personal estate, the net annual income of which shall or may exceed the sum of ten thousand dollars above mentioned : *Provided always*, That for every one hundred and fifty dollars, clear or net income, arising from such personal estate, beyond the sum of ten thousand dollars, the said

corporation shall in all things, except wearing apparel, shoes and hats, educate, provide for, and maintain, both in sickness and in health, one scholar, free of expense.

V. *And be it further enacted*, That it shall and may be law-^{Subscription.} ful for the said corporation, to receive subscriptions for the support of the said seminary, and the carrying into effect the purposes of this act ; and to take obligations therefor, in the following from : " We, whose names are under written, promise to pay to the trustees of the said corporation for the time being, the sum set opposite to our respective names, for the support and benefit of the Weyleyan seminary, as by law established, in quarterly payments, from the day of our several and respective subscriptions ;" the subscribing of which obligation, shall be deemed and held in law a sufficient consideration for the promise therein and thereby made.

VI. *And be it further enacted*, That every person who shall^{Scholar.} contribute, or pay, to the benefit of the said corporation, the sum of one hundred dollars annually, over and above such sum as may be subscribed for as aforesaid, and which shall not be less than twenty dollars per annum, shall be entitled during the period of such contribution, and payment thereof, over and above such sum, so as aforesaid subscribed, to send one scholar to be educated in the said seminary, upon the foundation herein before established ; and every person who shall, in like manner, contribute or pay to the benefit of the said seminary, or corporation, the sum of five hundred dollars, shall be entitled, during the life of such contributor, to send one child, or scholar, to the said seminary, to be educated on the said foundation, on paying the sum of ten dollars per annum ; and every person who shall, in like manner, contribute or pay, to the benefit of the said seminary or corporation, the sum of one thousand dollars, shall be entitled, during the life of such contributor, to send one child or scholar to the said seminary, to be educated on the said foundation, free of any further charge or expense.

VII. *And be it further enacted*, That this act shall be, and is^{Public act.} hereby declared to be, a public act ; and that the same shall be construed benignly and favourably for every beneficial purpose hereby intended, nor shall any nonuser of the privileges hereby granted to the said corporation create or produce any forfeiture of the same ; and no misnomer of the said corporation in any deed, will, testament, gift, grant, demise, or other instrument, contract or conveyance, shall defeat or vitiate the same : *Provided*, the^{Proviso.} corporation be sufficiently described to ascertain the intention of the parties.

VIII. *And be it further enacted*, That nothing in the fore-^{Right of legislature to repeal, &c.} going act contained shall prevent or preclude the legislature of this state from, at any time hereafter, repealing or modifying this act.

CHAP. CXCI.

AN ACT for the relief of the President, Directors and Company of the Rensselaer and Columbia Turnpike Road.

Passed April 13, 1819.

I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the president and directors of the Rensselaer and Columbia turnpike road, to erect and build a bridge over the Kinderhook creek, at the place in the mill pond of Charles Mason, where the bridge now stands.

II. And be it further enacted, That it shall and may be lawful for the said president and directors, to remove the second or middle gate, to a point near and on the easterly side of the dwelling-house of Jacob Benedict.

III. And be it further enacted, That the number of directors hereafter to be elected, shall be seven, instead of thirteen.

CHAP. CC.

AN ACT for the relief of John W. Bloomfield and Samuel Torbert.

Passed April 13, 1819.

I. BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the comptroller of this state be and he is hereby authorised and required, to audit the accounts of John W. Bloomfield and Samuel Torbert, and on such auditing to allow all and every sum of money paid and expended by them, or either of them, in the execution of the trust reposed in them by the act, entitled "an act for opening and improving a road from Salina, in the county of Onondaga, to Redfield, in the county of Oneida," passed 14th April, 1815; and for moneys paid by them for costs and counsel fees, in defending suits brought against them; and to draw on the treasurer his warrant for the sum due to each of them respectively on such settlement of his accounts: *Provided always,* That the costs paid by the said John W. Bloomfield shall be first taxed, and the counsel fees paid by him shall be certified by a justice of the supreme court to be recoverable.

II. And be it further enacted, That there shall be assessed, paid and collected, for the purpose of repaying the sums above directed to be paid to the said John W. Bloomfield and Samuel Torbert, and for the repayment of money improperly collected, such sum per acre, according to the principle and rule prescribed by the act aforesaid; that the comptroller shall direct the amount to be collected; and the said John W. Bloomfield and Samuel Torbert, shall examine the lands by the said act made subject to the assessment, and make the assessment fairly thereupon; and they and the comptroller shall, in all things, conform to the directions of the second section of the act aforesaid.

III. *And be it further enacted*, That that portion of the land lying within two miles of the present route of the road, not heretofore taxed towards the expense of making and repairing the said road, shall be assessed over and above the residue of the lands to such an amount as will make good the sum of sixty-six dollars, heretofore improperly collected on lands not subject to taxation in consequence of the alteration of the route of the road ; which sum, when levied, collected and received, shall be repaid, on the warrant of the comptroller, to the person or persons who shall appear entitled to the same, on the certificate of the said John W. Bloomfield and Samuel Torbert.

CHAP. CCL.

AN ACT to repeal, in part, the act entitled, "*an act providing more effectually to ascertain and determine the true value of real estates within this State, and for other purposes,*" and further to amend the act for the assessment and collection of Taxes.

Passed April 13, 1819.

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the second, third, fourth and fifth sections of the act entitled, "*an act providing more effectually to ascertain and determine the true value of real estate within this state, and for other purposes,*" passed the fifteenth day of April, one thousand eight hundred and seventeen, be and the same are hereby repealed. Certain sections repealed.

II. *And be it further enacted*, That the supervisors in the several counties in this state, in the present year, and annually hereafter, shall meet together on the days and at the places appointed by law, and shall examine the several assessment rolls of the several towns and wards in their respective counties, with a view of ascertaining whether the valuations in any town or towns, ward or wards, is too low or too high : And if the board, or a majority of such board, shall be of opinion, that the valuations of any town or towns, ward or wards, is too low or too high, it shall be lawful for them, and it is hereby made their duty, to add or deduct such a per centum to the valuations of any such town or ward, deemed to have been valued too low or too high, as shall raise or reduce the same to what, in their opinion, it ought in justice to be. Supervisors to meet annually, and their duty.

III. *And be it further enacted*, That it shall be the duty of the clerks of the boards of supervisors respectively, before the first day of December, in every year, to make out and certify a statement shewing the aggregate amount of the real and personal estate, separately, in each town or ward, in their counties, respectively, and transmit the same, by mail, to the comptroller of this state. Clerks' duty of boards of supervisors.

IV. *And be it further enacted*, That hereafter no more than one assessor shall be elected for each ward in the city of Albany ; and that the assessors so chosen in the several wards shall form a board of assessors for the said city ; that an assessment roll for each One assessor only for each ward in Albany to be elected.

ward shall, as heretofore, be made, but the valuations, in each ward, shall be determined by the board, or a majority thereof.

Purchasers of
lands for tax-
es to serve
notice on oc-
cupants.

V. *And be it further enacted*, That in every case of sale and conveyance, for taxes hereafter to be made, by the comptroller, of lands which may, at the time of conveyance, be in the actual possession and occupancy of any person or persons, the person or persons to whom such land may be conveyed, or others holding under him or them, shall serve a written notice on the person or persons in the possession or occupancy, or leave such notice at his or their dwelling-house, with one of the family, stating in substance, the sale and conveyance, and to whom made, the amount of the consideration, after adding fifty per cent. thereto, and stating also, that unless the said consideration, and the said fifty per cent. thereon, shall be paid into the treasury, for the benefit of the purchaser, within six months from the time of the service of such notice, that the conveyance of the comptroller to the said purchaser will be absolute, and the occupant, and all others interested in the land, be for ever thereafter barred from all right or title to the same; and the receipt of the treasurer, countersigned by the comptroller, for the said money, accompanied by a certificate of the comptroller, under his hand and the seal of his office, stating the payment, and shewing particularly what land such payment is intended to redeem, shall as effectually redeem the said land from the sale and conveyance as if redeemed within two years after the sale; and the said certificate shall and may be recorded in the same manner, and with the like effect, as a deed regularly acknowledged by the grantor before an officer authorised to take acknowledgments; and in every case of actual occupancy and possession, as aforesaid, of land sold and conveyed for taxes, it shall be necessary for the purchaser, or those holding under him, in order to complete his title to any such land, to shew, by due proof, that the said notice was duly given, and by a certificate from the comptroller, that the payment required by this act had not been made into the treasury.

Comptroller's
duty.

VI. *And be it further enacted*, That it shall be the duty of the comptroller forthwith, and annually hereafter, in the month of April, at the expense of this state, to transmit, by mail, to each county treasurer within this state, such number of printed copies of the first and forty-second sections of the act entitled, "an act for the assessment and collection of taxes," and the second section of this act, together with that part of the seventh section of the act entitled, "an act relative to the duties and privileges of towns," as prescribes the oath of assessors, as shall be sufficient to furnish each supervisor, and each assessor, in this state, with one copy:

Further duty.

And it shall be the duty of the said county treasurers respectively after receiving the said printed copies or extracts, to transmit four copies to the supervisor of each town in their counties respectively; and it shall be the duty of the supervisor to deliver to each assessor one copy and to retain one for his own use.

CHAP. CCII.

AN ACT relative to Harman-street, in the city of New-York.

Passed April 13, 1819.

I. BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the mayor, aldermen and commonalty of the city of New-York may suspend the extending, enlarging and improving of Harman-street for such time or times as they shall think proper: And further, That the said mayor, aldermen and commonalty shall not be required to pay any sums of money which have been awarded to any person on account of the extending, enlarging and improving said street until the expiration of four months after the expiration of the time or times which may be appointed by them as aforesaid for carrying the said improvements into effect.

II. And be it further enacted, That it shall be lawful for the mayor, aldermen and commonalty of the city of New-York to order, that all the proceedings which have taken place relative to the extending, enlarging and improving the said street shall be vacated and annulled; and thereupon all the said proceedings shall cease to have any force or validity whatever.

CHAP. CCIII.

AN ACT to incorporate the Wharton Creek Turnpike Company.

Passed April 13, 1819.

I. BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That Martin Lee, Willard Morse and John Joslyn, and all such other persons as shall associate for the purpose of making a good and sufficient turnpike road, to begin at or near the now dwelling-house of Martin Lee, in the town of Edmeston, on the third great western turnpike road; from thence, the most convenient and best route, through the towns of Burlington, Exeter, Plainfield and Richfield, intersecting the Hamilton and Skeneateles turnpike road near Jeremiah Meacham's, in the town of Richfield, in the county of Otsego, be and they are hereby created a body politic and corporate, by the name of "The President and Directors of the Wharton Creek Turnpike Company;" and they are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name; and by that name they and their successors shall and may have continual succession, and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of complaints, matters and causes; and by the same name and style shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of the

Proviso. said corporation: *Provided*, That such estates, as well real as personal, so to be purchased and holden, shall be necessary to fulfil the end and intent of such corporation, and for no other purpose whatsoever.

Stock. II. *And be it further enacted*, That the stock of said company hereby incorporated shall consist of three hundred shares, of twenty dollars each, and that Martin Lee, Willard Morse and John Joslyn be and are hereby appointed commissioners to receive subscriptions for the said stock, in the manner directed in and by the act entitled, "an act relative to turnpike companies," passed April 10th, 1813.

Toll. III. *And be it further enacted*, That the said company hereby incorporated shall be entitled to ask and receive at the turnpike gate or gates to be erected on said road, for any number of miles not less than ten, in length, of the said road, the following sums of money, and so in proportion for any greater or less distance, from all persons travelling or using the same, to wit: for every waggon, drawn by two horses, mules or oxen, twelve and a half cents, and three cents for every additional horse, mule or ox, attached to such waggon; for every cart, or other carriage, drawn by two horses, oxen or mules, twelve and a half cents, and for every additional horse, ox or mule, three cents; for every horse and rider, four cents; for every horse led, two cents; for every cart or waggon, drawn by one horse or mule, six cents; for every chair, sulkey, chaise or other pleasure carriage, with one horse, twelve and a half cents; for every chariot, coach, coachee, phaeton or other four wheeled pleasure carriage, twenty-five cents; for every sleigh or sled, drawn by two horses, mules or oxen, eight cents, and so in proportion if drawn by any greater or less number of horses, mules or oxen; for every score of horses or cattle, twenty cents, and so in proportion for a greater or less number; for every score of sheep or hogs, four cents; for every stage-waggon, drawn by two horses, twelve and a half cents, and three cents for every additional horse attached to such stage-waggon.

Privileges. IV. *And be it further enacted*, That the said company hereby incorporated, shall have and enjoy all the right, privileges, powers and immunities, which are given and granted in and by the aforesaid act, entitled "an act relative to turnpike companies," and shall be subject to all the conditions, provisions, restrictions and regulations contained in said act.

Commissioners. V. *And be it further enacted*, That Billings Brown, John I. Prendergrast and Lemuel Fitch, or any two of them, be and they are hereby appointed commissioners to lay out the said road.

CHAP. CCIV.

AN ACT for the relief of the heirs of Joshua Brown, deceased.

Passed April 13, 1819.

WHEREAS it has been represented to the legislature, by the petition of Hezekiah Watkins and James Strong, guardians, and

Mercy Brown, the mother of Seely Brown and James M. Brown, infant heirs of Joshua Brown, late of the town of Goshen, in Orange county, deceased, that the said infants are the owners of a large tract of swamp land, in the said county of Orange, and that Stephen Jackson is the owner of a piece of improved land, containing twenty-four acres and a half, lying near the dwelling-house on the lands of the said infants, and that, in the opinion of the said guardians, and others, the friends of the said infants, their estate would be benefitted by exchanging a part of their swamp lands for the said piece of improved land, lying near their dwelling-house as aforesaid; and that an agreement has been made with the said Stephen Jackson for such exchange: Therefore,

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That the said Hezekiah Watkins and James Strong, upon receiving a deed of conveyance, in fee simple, from the said Stephen Jackson, in the name of the said Seely Brown and James M. Brown, for the said twenty-four acres and a half of land, lying near the dwelling-house of the said infants, and adjoining the Otterkill, they the said Hezekiah Watkins and James Strong are hereby authorised and empowered, in exchange therefor, by and with the consent of the chancellor of the state, to execute, in the name of the said Seely Brown and James M. Brown, to the said Stephen Jackson, a deed of conveyance, in fee simple, for sixteen acres of the swamp lands of the said infants, lying on the southerly end thereof, and adjoining the lands of Christian Hurtin, and the said Otterkill; and that such conveyance shall be as good and effectual as if the said infants had been of full age at the time of the execution thereof, and had executed the same:

II. *And be it further enacted*, That if Mercy Brown, the widow of the said Joshua Brown, deceased, shall join in the said conveyance to the said Stephen Jackson, whereby she releases her right of dower in the lands described in such conveyance, she shall have, hold and enjoy such right and interest in the said lands to be conveyed by the said Stephen Jackson to the said infants as by law she would have had if the title thereto had been in her husband, the said Joshua Brown, deceased, at the time of his death.

CHAP. CCV.

AN ACT authorizing the Supervisors of the county of Genesee to raise Money to build a Bridge across Sandy Creek.

Passed April 13, 1819.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the supervisors of the county of Genesee be and they hereby are authorised to cause to be raised, in the said county, one thousand dollars, at once, or in such proportions as the board of supervisors shall direct, for the purpose of building a bridge across Sandy creek, in the town of Murray, on the ridge road, the said sum to be raised in the usual

manner for raising money to defray the contingent expenses of counties.

II. *And be it further enacted*, That Abel Baldwin, Witter Steward and Chauncey Woodworth, be and they are hereby appointed commissioners to build said bridge; and the treasurer of the county is hereby required to pay over to said commissioners the money authorised to be raised by this act, as soon as may be after the collection of the same, on the said commissioners executing their joint bond to the said treasurer, conditioned for the faithful application of said money as contemplated by this act, and that they will render a just and true account of said expenditure to the supervisors of said county at the then next annual meeting.

CHAP. CCVL

AN ACT relative to Lotteries.

Passed April 13, 1819.

Private lotteries declared nuisances.

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That each and every lottery other than such as shall be authorised by the legislature, shall be deemed a common and public nuisance; and the justices of the supreme court, and all other justices of the courts of oyer and terminer, or gaol delivery, and the justices of the courts of general or quarter sessions of the peace, at their several courts within any of their respective counties in this state, shall have cognizance of such offence, and are hereby enjoined and required in all and every of their charges, hereafter to be made or given by the grand jurors in their respective courts, strictly to charge such grand jurors diligently to enquire of and to present or indict all offences against this act; and the court to which an indictment or presentment shall be preferred for such offence, shall be and are hereby empowered and enjoined to prosecute such indictment, or cause the same to be prosecuted, in the usual manner of prosecution; and upon conviction to adjudge such fines and penalties as are hereinafter directed, together with the costs of prosecution, and to order execution, and to direct the fines or penalties, when recovered, to be applied in the manner hereinafter directed.

Gambling prohibited.

II. *And be it further enacted*, That no person or persons shall, within this state, open, set on foot, carry on, promote, draw, or make publicly or privately, any lottery, game or device of chance of any nature or kind whatsoever, or by whatever name, denomination or title, it may be called, known or distinguished, or shall, by any such ways or means, expose or set to sale any houses, lands, tenements or real estate, or any goods, wares, merchandizes, cash or other thing or things whatsoever; and that every person who shall offend in the premises against the true intent and meaning of this act, and shall thereof be convicted by the oath of one or more credible witness or witnesses, in either of the courts herein before mentioned, in any part within this state, shall forfeit the amount of the whole sum or value for which such lottery was made; and if

such sum or value shall not be satisfactorily ascertained to the said court at the time of the trial, then each such offender, so convicted, shall forfeit two thousand five hundred dollars: And that such offender shall be committed to the common gaol of the county until such forfeiture, with the costs of prosecution, be paid; the one half of such forfeiture to be applied, if the offence be committed in the city of New-York, to the use of the institution for the education of the deaf and dumb in that city, and to the support of the free school in the said city, to be equally divided between said institutions; and if in any other city or town, then to the use of the poor of such city or town; and the other half of said forfeiture to the person or persons who shall have voluntarily given information of such offence, and prosecuted the same to effect; and for defect of such voluntary informant, then to be paid and applied as the first moiety of such forfeiture is hereby directed to be paid and applied.

III. *And be it further enacted*, That if any person shall vend, sell or barter, or offer to sell, vend or barter, any ticket or tickets of any lottery other than such as shall be authorised by the legislature of this state, or of any game or device of chance; or if any person or persons shall purchase the same, or in any other way become adventurer or adventurers therein, or be any ways concerned in such lottery, game or device of chance, either by printing, writing or any other ways publishing an account thereof; or where tickets may be had or obtained for the same, or be in any wise aiding or assisting in the same; every person so offending shall, on being convicted thereof as before mentioned, in any of the courts before mentioned, forfeit and pay for every such offence the sum of two hundred and fifty dollars, and the costs of prosecution, to be levied and applied in like manner as is directed with respect to the other forfeitures herein before mentioned.

Vending tickets prohibited, Sec.

R.

IV. *And be it further enacted*, That every grant, bargain, sale, conveyance, or transfer of any lands, tenements, hereditaments or real estate, or of any goods or chattels whatsoever, which shall hereafter be made in pursuance of any such lottery, game or other device to be determined by chance or lot, are hereby declared void and of none effect.

Certain bargains, &c. void.

V. *And be it further enacted*, That where any two or more persons shall be concerned in setting on foot, carrying on, drawing or making any such lottery, game or device of chance as aforesaid, the penalties herein before directed for such offences respectively, may be recovered against and levied from all or each or either of them, any thing herein contained to the contrary notwithstanding.

Penalties shall be several.

VI. *And be it further enacted*, That it shall not be lawful for any person or persons whomsoever, to open, set up, exercise or keep, by himself or herself, or by any other person or persons, any office or other place for registering the number or numbers of any ticket or tickets in any public or private lottery not authorised by any law of this state, or by writing, printing or otherwise to publish the setting up, opening or using any such office or offices or other place: *And further*, if any person or persons shall offend against this act in any of the matters last aforesaid, he, she, or they shall be deemed guilty of a misdemeanor, and shall upon conviction be fined in a sum not exceeding one thousand dollars, or be

Certain register offices prohibited.

imprisoned for a time not exceeding twelve months, by any court having cognizance thereof.

Insurance,
&c. on chan-
ces prohibi-
ed.

VII. *And be it further enacted*, That it shall not be lawful for any person or persons whomsoever, to sell the chance or chances of any ticket in any such lottery as aforesaid, or to insure for or against the drawing of any such lottery as aforesaid, or to insure for or against the drawing any such ticket or tickets, or to receive any money or goods in consideration of any agreement to repay any sum or sums, or to deliver the same or other goods, if any such ticket or tickets shall prove fortunate or unfortunate, or on any other chance or event relative to the drawing of any such ticket or tickets, whether as to their being drawn fortunate or unfortunate, or the time or order of their being drawn or otherwise howsoever, or under any pretence, device, form, denomination or description whatsoever, to promise or agree to pay any sum or sums, or to deliver any goods, or to do or forbear doing any thing for the benefit of any person or persons whether with or without consideration, or any event or contingency relative or applicable to the drawing of any such ticket or tickets, or the number or numbers of any such ticket or tickets, to publish any proposal for any of the purposes aforesaid; and if any person or persons shall offend against this act in any of the matters last aforesaid, he, she, or they shall be deemed guilty of a misdemeanor, and shall upon conviction be fined in a sum not exceeding two thousand dollars, or be imprisoned for a time not exceeding twelve months, or both, by and at the discretion of any court having cognizance thereof; and such fine shall be applied and paid in the manner in which the forfeiture mentioned in the second section of this act is directed to be applied and paid.

Justices, &c.
required to
enforce this
act.

VIII. *And be it further enacted*, That the justices of the peace, mayors, sheriffs, bailiffs, constables, and other civil officers, within their respective jurisdictions, are hereby empowered, directed and required to use their utmost endeavors, by all lawful ways and means, to prevent the opening, setting on foot or drawing of any such unlawful lotteries, games or devices of chance, prohibited by this act, and the sale of tickets in any such unlawful lottery:

Provided always, That this act, or any clause, matter or thing herein contained, shall not affect, or be deemed, judged or construed to affect any lottery or lotteries established or to be established by or under the authority of the United States in congress assembled, or any act, matter or thing, done or to be done in any wise relating to such lottery or lotteries, by any person whomsoever.

Unlicensed
sellers of
tickets.

IX. *And be it further enacted*, That from and after the first day of July next, no person shall carry on or be in any wise employed in carrying on the business of vending or selling lottery tickets, or directly or indirectly dispose of, or be in any manner instrumental in selling or disposing of lottery tickets, unless such person shall be duly licensed as hereinafter provided.

Licenses how
granted.

X. *And be it further enacted*, That it shall be lawful for the mayor of the city of New-York, by writing under his hand, to license any person to carry on the business of vending lottery tickets in the said city, that may apply for the same, and that shall

pay for the use of the institution for the education of the deaf and dumb in said city, and for the use of the free school in said city, to be equally divided between the said institutions, five hundred dollars, and that shall moreover enter into a bond to the people of this state with two sureties to be approved of by the said mayor, in the sum of five thousand dollars, conditioned that he shall not directly or indirectly sell or be in any way instrumental in selling or introducing into this state the tickets in the lotteries of any other state or country, and that he will in all things conform himself to the laws of this state relative to lotteries; and that it shall be lawful for the mayors of the cities of Albany, Schenectady, Hudson and Troy, respectively, to license any person to carry on the business of vending lottery tickets in their cities respectively, that may apply for such license, and that shall pay for the use of the poor of the said cities respectively, one hundred dollars, and that shall enter into a bond to the people of this state, with two sureties to be approved of by the said mayors respectively, in the sum of one thousand dollars, conditioned as the bonds to be executed by vendors in the city of New-York, are required to be conditioned; and that the vendors of lottery tickets in any of the towns or villages of this state, shall be licensed by the supervisors of the town, upon the payment of fifty dollars, for the use of the poor of the town, and upon entering into bond in the like sum with the like sureties, and conditioned as is prescribed for the vendors in the cities of Albany, Schenectady, Hudson and Troy, to execute; and the said mayors and supervisors respectively shall transmit all such bonds as may be executed and delivered to them as aforesaid, to the comptroller of this state by mail; and the said licenses shall be and continue for one year and no longer; at the end of which term they must be renewed, and the like payments be made and bonds entered into as herein before prescribed: *Provided always*, That no license granted as aforesaid shall be considered as giving a right to carry on the business of purchasing and vending lottery tickets at more than one office.

XI. *And be it further enacted*, That any licensed dealer in lottery tickets, who shall be guilty of vending, or that may in any manner be aiding in vending, or disposing of any tickets or shares of tickets, not authorised by the laws of this state, if duly convicted thereof, shall, in addition to the pains and penalties herein before provided, be deprived of his license, and shall not thereafter be entitled to the privilege of receiving a license, to sell lottery tickets. When forfeited.

XII. *And be it further enacted*, That any person or persons, who shall, without being licensed as aforesaid, carry on the business of vending tickets, shall be guilty of a misdemeanor, and for every ticket he may so sell or be in any way concerned in selling, he shall forfeit and pay the sum of one hundred dollars, and the costs of prosecution, to be recovered in an action of debt, in the name of any person who shall prosecute for the same. Penalty on unlicensed sellers.

XIII. *And be it further enacted*, That all lotteries already authorised, or that may hereafter be authorised by any law of this state, shall be conducted and managed as hereinafter provided; Lotteries, &c. how conducted, and many acts how removed.

and the managers appointed or to be appointed, of any such lotteries, shall, in all things, conform to the provisions in this act ; and it shall be lawful for the person administering the government of this state, to remove from office any manager, who shall not conform to the provisions of this, or any future acts of the legislature, prescribing the duties of managers ; and all vacancies that may take place by death, resignation, removal from the state, or removal as aforesaid from office, shall be supplied by the person administering the government of this state, who is hereby authorised and empowered to appoint suitable persons to fill such vacancies as may from time to time occur.

Bond required of managers.

XIV. *And be it further enacted*, That each lottery manager hereafter to be appointed in this state, shall, before he takes upon himself the duties of a manager, enter into a bond to the people of this state, with such sureties as the comptroller shall approve, in the sum of thirty thousand dollars, conditioned for the faithful and honest discharge of the duties required of him by this act, or any other law of this state, and for rendering to the comptroller, from time to time, as the same may be necessary, or be required by the comptroller, a just and true account of all the moneys received and paid by him, and to make such reports and statements as he may be desired by law to make, or as the comptroller may find necessary to require ; and further, each manager before he enters upon the duties of his appointment shall take and subscribe the following oath or affirmation, before some magistrate competent to administer oaths, viz : “ I

And oath.

do solemnly swear, (or affirm, as the case may be) that I will honestly and faithfully execute the trust reposed in me, as one of the managers of the lotteries of this state, and that I will not use any indirect art or means to obtain a prize in any lottery of which I am manager, for myself or any other person whatsoever ; and that I will do the utmost of my endeavors to prevent any undue or sinister practice by any person whatever ; and that I will to the best of my judgment, declare to whom any prize of right belongs, according to the true intent and meaning of the laws of this state relative to lotteries ; and that I will not directly or indirectly authorise, or permit the sale of any tickets in any such lottery, in which sale or sales, I, or any person at my instance or on my behalf, shall be directly or indirectly benefitted or interested, or entitled to any profit or advantage whatever thereon ;”—which oath shall be filed in the office of the secretary of this state, and a certificate of such filing from the secretary or the deputy secretary, shall be filed in the comptroller's office ; and if any manager of lotteries appointed or to be appointed, shall violate his oath or any particular part thereof, he shall for each offence, forfeit the sum of five thousand dollars, to be recovered by the attorney-general, in the name and for the use of the people of this state, with costs of suit, in any court of record within this state, and shall besides be liable to suffer the pains and penalties of perjury ; and shall moreover be answerable and liable to the people of this state for all neglects, defaults, misfeasances, and other acts, in any action or actions at common-law, as the case may require.

Penalties.

XV. *And be it further enacted*, That it shall not be lawful for any manager, as aforesaid, to be directly or indirectly concerned, or in any wise interested, in the purchase or sale of any tickets in any lottery of which he is a manager. Not to purchase tickets.

XVI. *And be it further enacted*, That the managers of lotteries within this state, for the space of fourteen days, after opening any lottery for sale, shall sell the tickets therein at the original price, but not on credit, except to licensed venders of lottery tickets, and to such venders it shall be lawful for the said managers to sell such number of tickets, as such venders may reasonably be supposed to require, to supply their respective office or offices, until the general sale or sales, on credit, of the entire lottery, as hereinafter provided, shall be made ; and such sale, if any, to licensed venders, shall be made at the original or scheme price of the tickets ; and the amount, bearing interest at the rate of three per cent. per annum, shall be secured to the satisfaction of the managers or a majority of them ; and it shall be the duty of the said managers, upon opening any lottery for sale as aforesaid, to give notice in at least three public newspapers, in the city of New-York, and in at least two in the city of Albany, for two weeks successively, that they will, until the expiration of fourteen days, receive sealed proposals from any licensed vender or venders of lottery tickets, for the purchase of all, or any portion of the tickets, that may, at the expiration of the said fourteen days, remain unsold ; and the said managers on the day following, together with the comptroller, shall meet in the city of New-York, and determine on the said proposals, and on the securities offered for payment ; and in case sales cannot thus be made, that shall be satisfactory to a majority of the managers and the comptroller, the said managers shall forthwith give notice in at least three daily public newspapers, in the city of New-York, for two days successively, that on a day to be specified, they will expose to sale by public auction, in the city of New-York, at some suitable place to be designated in such notice, the tickets remaining unsold in any such lottery ; and the said managers shall accordingly expose to sale the tickets remaining unsold, at public auction or vendue, in lots or parcels, not exceeding in value, (according to the original or scheme price of the tickets) the sum of five thousand dollars ; and a credit shall be allowed to the purchasers of tickets at either of the two last mentioned sales, until twenty days after the expiration of the drawing of the lottery, in which they purchased tickets, provided they shall secure the payment of their purchases, to the satisfaction of a majority of the managers, and of the comptroller, with interest at the rate of three per centum per annum ; and in case the sale of all the tickets in any lottery cannot be thus effected, to the satisfaction of the managers or a majority of them, and the comptroller, it shall be lawful for the managers to appoint one of their number to open and superintend, under the direction of the board of managers, a lottery office in the city of New-York, on behalf of the state, and to dispose of the tickets remaining unsold in such lottery, for the best prices that can be obtained therefor, not less than the original or scheme price, and to take such measures and run such hazards as is usual for discreet and prudent Tickets, Sec. disposed of.

Lottery office in New-York.

dealers in lottery tickets to adopt, take and hazard ; and in case the said managers shall open a lottery office as aforesaid, the manager having the superintendence thereof shall keep an accurate account of all his sales, to whom made, when, and the price of every ticket sold, and an account of the prizes and blanks that may be drawn to the tickets remaining unsold at the time of the drawing of the same, and render a detailed account to the comptroller within twenty days after the completion of the drawing of the lottery in which he shall so sell tickets ; and in case of the opening of such lottery office, the necessary rent and clerical hire shall be allowed by the comptroller, to the managers, on the final settlement of the account of the lottery for which an office was opened, over and above the compensation herein after provided for the managers.

Comptroller
to approve of
scheme.

XVII. *And be it further enacted*, That the managers of lotteries in this state, shall, before they publish any scheme of a lottery hereafter to be sold in this state, submit the same to the comptroller for his approbation.

Tickets how
signed and
paid, &c.

XVIII. *And be it further enacted*, That it shall be the duty of the managers of lotteries to appoint one of their board to be president, and one other to be secretary thereof ; and all the tickets in any lottery hereafter to be sold and drawn in this state, shall be signed by the said president and countersigned by the said secretary, and the prizes shall be paid by the said president for four months after the same are payable, and at the expiration of the said four months, he shall make out and certify a correct list of all the unpaid prizes in the lottery, and transmit the same to the comptroller, and shall also pay into the treasury the funds, if any, remaining in his hands for the payment of prizes, and thereafter the said prizes shall be paid by the treasurer on the warrant of the comptroller.

To whom to
be delivered.

XIX. *And be it further enacted*, That wherever any lottery shall be opened for sale, and where the tickets therein shall be signed and countersigned as aforesaid, the president of the board of managers shall deliver a number not exceeding five hundred, to each manager to sell, and retain for that purpose an equal number in his own hands ; and the residue he shall deposit in the Manhattan bank for safe keeping, and take the receipt of the president or cashier for the same ; and the said tickets so deposited shall be drawn from the said bank only on the order of a majority of the said managers.

Time limited
to present
prize tickets.

XX. *And be it further enacted*, That any lottery prizes now payable at the treasury that shall not be presented for payment within two years from the first day of July next, shall thereafter be debarred from payment ; and that all lottery prizes that shall hereafter become payable at the treasury, if not presented for payment within two years after the completion of the drawing of the lottery in which such prizes were drawn, shall also be debarred from payment.

Notes. &c.
for tickets,
where depo-
sited.

XXI. *And be it further enacted*, That the notes, bonds or other securities, to be taken for such lottery tickets, sold on credit, pursuant to this act, shall be taken in the names of all the managers and of the comptroller, and shall be placed for safe keeping and collection, in the Manhattan bank ; and when collected, the

amount shall be passed to the credit of the treasurer of this state, in the said bank ; and notice be given thereof to the comptroller by the president of the board of managers.

XXII. *And be it further enacted,* That the comptroller shall, Comptroller's duty in paying prizes. from time to time, draw his warrants on the treasurer, in favor of the president of the board of managers, for the necessary sums of money to enable the said president to pay such prizes in any state lottery hereafter to be drawn, as may be presented to the said president for payment, until the said prizes shall, according to the provisions of this act, become payable at the treasury.

XXIII. *And be it further enacted,* That the treasurer, on the warrant of the comptroller, shall pay the net avails of each of the lotteries to be drawn in this state, to the person or persons or bodies corporate, legally entitled thereto, whenever the same shall have been received into the treasury. Net avails.

XXIV. *And be it further enacted,* That whenever it shall appear satisfactorily to the comptroller, that any manager has not paid the moneys arising from the sale of tickets, agreeably to law, it shall be lawful and it is hereby made the duty of the comptroller, to report the same to the governor of this state, who shall thereupon appoint some other person in the room of such delinquent, to perform the duties of a manager as aforesaid, and the comptroller shall forthwith after the discovery of such delinquencies, cause a suit or suits to be instituted against such delinquent manager for the recovery of the sum received by him, as well as to account generally for his management. Comptroller to report delinquent managers.

XXV. *And be it further enacted,* That on the final settlement of the accounts of the several lotteries hereafter to be drawn in this state, the comptroller shall allow fifteen per cent. on the sum raised by such lottery to the said managers, in lieu of all compensation for services and expenses in conducting and drawing the same. 15 per cent. for services, &c.

XXVI. *And be it further enacted,* That the comptroller, on the production to him of sufficient proof of the loss of any prize ticket or tickets in any of the lotteries of this state, shall be authorised to draw his warrant on the treasurer for the payment of the same : *Provided,* That the person claiming such prize money shall enter into a bond, to the people of this state, with sufficient sureties to double the amount of such prize money, conditioned that the said prize money shall be refunded in case the said ticket or tickets shall thereafter be presented for payment : *And provided also,* That payment shall be demanded and proof as aforesaid be exhibited within the period limited for payment of prizes at the treasury. Prize tickets lost, how paid.

XXVII. *And be it further enacted,* That no manager of any of the lotteries, authorised by this state, shall be absent, except for the cause of sickness, from the meeting of the board for placing in the wheels the numbers and the blanks and prizes, or from any drawings of any lottery of which he is a manager, or from any meeting for the sale of tickets ; and that no lottery shall be drawn unless at least a majority of the managers shall be present. Managers not to be absent.

XXVIII. *And be it further enacted,* That there shall be no stationary prizes in the lotteries of this state, but that all shall be No stationary prizes.

floating ; the managers may, however, if they shall be of opinion that the interest of the lotteries, or of the state requires it, retain one or more, not exceeding five of the capital prizes in any lottery, out of the wheel at the commencement of the drawing, and place the same in the wheel on the day or days fixed for the purpose, in open day light, in presence of such adventurers or spectators as may choose to be present.

Further directions as to drawing.

XXIX. *And be it further enacted*, That it shall be the duty of the lottery managers to draw each lottery in as few days as may be consistent with accuracy and with the interests of the state ; and they shall not publish the number of tickets they intend to draw on any day, but shall leave it at all times uncertain what number are to be drawn until the close of the respective day's drawing.

The like.

XXX. *And be it further enacted*, That the drawing shall be conducted in a well lighted, convenient and spacious room, in a central part of either the city of New-York, or the city of Albany, between sun rising and sun setting of the days of drawing.

The like particularly set forth.

XXXI. *And be it further enacted*, That the numbers of the tickets in each lottery shall be either printed or written on convenient slips of paper of equal size, as near as may be, and be carefully rolled up and tied with silk or thread, and the prizes shall also be printed or written on like slips of paper of equal size, as near as may be, and be in like manner rolled up and tied with silk or thread ; and the blanks, which shall consist of slips of paper of like size and form as the prizes, shall also be rolled up and tied ; and the said managers shall on a day to be fixed and published, meet in some suitable place in the city of New-York, or in the city of Albany, to place the said numbers and the said blanks and prizes in the wheels, and shall proceed to do so in presence of such spectators as may choose to be present, by first carefully counting all the slips containing the numbers, and placing them in one of the said wheels, and they shall in the presence of the spectators open all the slips of paper on which are written or printed the sum of the prizes exceeding five hundred dollars, and they shall then roll and tie them up as before and place them in the other box or wheel, except such of the said prizes as the said managers may determine to retain and put into the wheel on some future day during the drawing ; and the said managers shall also carefully count the residue of the prizes as well as the blanks, and place them in the said last mentioned wheel ; and the said wheels shall be so constructed with cross bars, that at every revolution the said numbers in one wheel, and the said blanks and prizes in the other, may be well mixed ; and each of the said wheels shall be locked with two good and substantial locks and keys of different form and construction, and after the same shall be so locked, the key holes shall be duly sealed ; and each of the said wheels shall then be placed in a substantial box, which shall also be locked and sealed in like manner ; and the managers present shall each take charge of a key or keys of a wheel or box, until the first day of drawing, when the said managers shall appear at the place of drawing, and in the presence of the spectators, remove the said seals and unlock the said boxes and wheels, and proceed to the drawing by placing the said wheels on an elevated platform or table ; and the said

managers shall appoint a suitable person for each wheel, to draw from the one the numbers, and from the other the blanks and prizes, and the said persons shall each take and subscribe the following oath or affirmation : " I appointed by the managers of the lottery (describing it) to draw the numbers or the blanks and prizes in the said lottery from the wheels, do solemnly swear (or affirm, as the case may be) that I will honestly and truly, whilst employed for said purpose, draw the numbers or blanks and prizes from the wheels, and hand the same to the managers as I shall be directed, and that I will without delay, on all occasions, discover to the said managers any fraud or attempt at fraud in relation to the lottery, or the drawing thereof, that I may discover ;" and the said managers shall appoint two suitable persons as clerks, to enter, under the superintendence of the managers, the numbers as drawn, and the blank or prize to each ; and each of the said clerks shall take the following oath or affirmation : " I appointed by the managers of the lottery (naming it) one of the clerks, do solemnly swear, (or affirm, as the case may be) that I will honestly and truly execute the trust reposed in me, and that I will to the best of my ability, correctly enter in the book or books provided for the purpose, the prize or blank drawn to each number, and that I will give notice to the managers of any fraud committed or attempted to be committed, relative to the lottery or the drawing thereof, that I may discover ;" and at the close of each day's drawing the managers shall, as before, lock and seal the said wheels, and place them in the said boxes, which are also, as before, to be locked and sealed ; and they shall examine and correct, if necessary, the lists of blanks and prizes, and the lists of blanks and prizes shall be locked up with the files of the numbers and blanks and prizes in a suitable box to be prepared for the purpose, which box shall be locked and sealed in the manner that the other boxes are required to be locked and sealed ; and the keys of the wheels and boxes shall be divided amongst the managers at the close of each day's drawing ; and the said boxes so locked and sealed, shall be placed by one or more of the managers in some safe place of keeping, until the next day of drawing, whence the same shall be taken by one or more of them to the place of drawing.

Oath of persons who draw.

Of the clerks.

XXXII. *And be it further enacted*, That at the completion of the drawing of each lottery, the managers shall cause to be printed and published, correct lists of all the fortunate numbers and the prize drawn to each, and deliver or transmit to every person licensed to keep a lottery office, two copies of the said printed lists.

Lists to be published.

XXXIII. *And be it further enacted*, That the persons employed at the wheels shall have their arms bared ; that they shall take the tickets out of the wheels between their thumb and fore finger ; that they shall never draw but one out at once, and that the one drawn shall be disposed of by the managers, before another be taken from the wheels.

How to draw

XXXIV. *And be it further enacted*, That it shall not be lawful for any vender of tickets after the first day of July next, to sell any share of a ticket, unless such ticket shall have been placed in

Shares of tickets how to be sold.

the hands of the president of the board of managers ; and it shall be the duty of any vender of tickets intending to sell any number of tickets in shares, to place such tickets, with a particular list of their numbers, in the hands of the said president, taking his receipt therefor, who shall deposit the same in the Manhattan bank for safe keeping ; and the said tickets shall be re-delivered to the said vender, upon his satisfying the said president, that he hath paid and taken up the shares of said tickets which drew prizes, or give the said president satisfactory security that the said vender will take up and pay the said prize shares as they may be presented for payment ; and for every ticket so to be divided into shares, the vender shall pay the said president of the board of managers five cents ; and it shall not be lawful for any vender of tickets to divide or sell any ticket in shares, except in halves, quarters or eights ; and any vender of tickets who shall be guilty of selling shares of tickets without depositing such tickets with the said president as aforesaid, or shall sell or dispose of any other shares of such tickets, than halves, quarters or eights, such vender shall for each offence be fined in a sum not exceeding fifty dollars, to be recovered in an action of debt, in the name of any person prosecuting for the same.

Forging tickets, &c.

XXXV. *And be it further enacted*, That if any person or persons shall forge or counterfeit, or cause or procure to be forged or counterfeited, or shall willingly act and assist in the forging or counterfeiting any ticket or tickets, in any lottery authorised by this state, or alter any number, figure or word therein, or shall knowingly utter, vend, barter or dispose of any forged, counterfeited or altered ticket or tickets, with intent to defraud any person or persons, then and in every such case, all and every such person or persons so offending, and being thereof duly convicted, shall be sentenced to imprisonment in the state prison for a term not exceeding ten years.

Fines, how disposed of.

XXXVI. *And be it further enacted*, That one moiety of all fines and forfeitures imposed by this act, shall be paid to the person who shall prosecute for the same, and the other moiety, if the offence shall have been committed in the city of New-York, to the institution for the education of the deaf and dumb, and the free school society in said city, to be equally divided between the two institutions ; and if the offence shall have been committed in any other city or town, then in that case to be appropriated for the use of the poor of such city or town.

Duty of managers as to proof of offences.

XXXVII. *And be it further enacted*, That it shall be the express duty of the managers of lotteries already appointed, or hereafter to be appointed, to collect proofs of offences against this act, in respect to private lotteries, in respect to the sale of tickets in the lotteries of other states, in respect to the vending of tickets without license, and in respect to the insurance of lottery tickets ; and the managers shall prosecute and bring to justice all persons offending in the premises.

Deaf & dumb institution.

XXXVIII. *And be it further enacted*, That it shall be the duty of the trustees of the institution for the education of the deaf and dumb, and of the free school society in the city of New-York, respectively, on the first day of January, in every year, to report

to the comptroller the several sums received by them, in the preceding year, for the support of the said institutions respectively, in pursuance of this act.

XXXIX. *And be it further enacted*, That the comptroller shall annually report to the legislature the sum or sums raised by lottery in the year preceding the making of such report, and the object or objects for which raised. Comptroller to report annually.

XL. *And be it further enacted*, That it shall be lawful for the attorney-general and comptroller to compound and settle with such person or persons as purchased tickets in Medical Science Lottery, No. 5, any their sureties who are insolvent or unable to pay their debts, upon the best terms for the state that can be obtained, and to grant discharges to the said purchasers of tickets and their sureties. Insolvent purchasers may compound.

XLI. *And be it further enacted*, That it shall be lawful for the comptroller to draw on the treasurer for the reasonable expenses to be incurred by the comptroller, when called to the city of New-York to attend with the managers to the sale of lottery tickets, and to the examining the sureties to be received for tickets so sold; and that he also be authorised to draw for thirty-eight dollars and sixty-three cents, the amount of his expenses in going to, at, and returning from the city of New-York, in the month of October last, attending to business relative to Medical Science Lottery, No. 5. Comptroller's expenses, &c.

XLII. *And be it further enacted*, That the several acts of the legislature of this state, relative to lotteries, be and the same are hereby repealed: *Provided however*, That such repeal shall not be construed or deemed to release or exonerate the managers of lotteries, or any other person or persons from any liabilities they may have incurred, in, by, or under the said acts. Former acts repealed.

XLIII. *And be it further enacted*, That the comptroller shall cause to be printed one hundred copies of this act, and forthwith transmit a copy to each of the lottery managers; and shall, from time to time, as the same may be necessary, furnish the dealers in lottery tickets, who may be licensed under this act, each with a copy. Act to be published.

CHAP. CCVII.

AN ACT for recording of Deeds, and other Conveyances, in the county of Rensselaer.

Passed April 13, 1819.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That every deed, conveyance, or other writing, made and executed after the first day of October next, whereby the right or title to any lands or tenements, lying in the county of Rensselaer, may be affected, either in law or equity, after being acknowledged or proved by any of the offi- Deeds to be recorded.

cers empowered by law to take the acknowledgments of deeds, conveyances, or writings of and concerning lands, tenements or real estate, within this state, agreeable to the act entitled, "an act concerning deeds," passed April twelfth, one thousand eight hundred and thirteen, and the act entitled, "an act authorising the appointment of commissioners to take the acknowledgment of deeds and special bail, to take affidavits to be read in courts of record, and to restrict the number of masters in chancery," passed March the twenty-fourth, one thousand eight hundred and eighteen, shall be recorded in the clerk's office of the said county, in books to be provided by the clerk of the said county for that purpose; and that every deed, conveyance, or other writing, made and executed after the said first day of July, whereby any of the said lands may be affected, in law or equity, shall be adjudged fraudulent and void against any subsequent bona fide purchaser or mortgagee, for a valuable consideration, unless the same be recorded as by this act is directed before the recording the deed or conveyance under which such subsequent purchaser or mortgagee shall claim.

In what order to be recorded.

II. *And be it further enacted*, That every deed, conveyance, or other writing of and concerning any lands or real estate within the said county, which shall be entitled to be recorded as aforesaid, shall be recorded in the order and at the time when the same shall be delivered to the clerk for that purpose, and shall be considered as recorded from the time it was so delivered; and the said clerk shall make an entry in the margin of the record thereof, of the day, month, year, and the time of the day, when the same is so recorded, and endorse and sign a certificate on such deed, conveyance or writing, of the particular time when, and the book and page in which the same is so recorded, and that every deed, conveyance or writing, so acknowledged or proved, whether the same be recorded or not, or the record thereof, or a transcript of such record, certified by the said clerk, under the seal of the court of common pleas of the county whereof he is clerk, may be read in evidence in any court of this state without further proof thereof.

Must be acknowledged.

III. *And be it further enacted*, That it shall not be lawful for the said clerk to record any deed, conveyance or writing, above mentioned, unless the same shall be acknowledged or proved as is directed by this act, and which acknowledgment or proof shall be recorded therewith.

Penalty for neglect in the clerk or deputy.

IV. *And be it further enacted*, That if the said clerk, or any deputy of such clerk, shall be guilty of any neglect, misdemeanor or fraudulent practice, in the execution of the duties prescribed by this act, he and every of them shall, in every such case, be liable to pay treble damages, with the costs of suit, to any party injured thereby, to be recovered by action of debt, or by information, in any court of record in this state.

CHAP. CCVIII.

AN ACT for the preservation of the Fish called Pickerel, and for other purposes.

Passed April 13, 1819.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That whenever any person or persons shall at any time hereafter put or place any of the fish called pickerel into any pond or lake, in the county of Columbia, Ulster or Sullivan, into which they have not already been placed, and shall make the fact of placing such fish there known, by putting up notice thereof at three public places in the town in which the pond or lake may be situate, it shall not thenceforth be lawful for any person or persons to fish in any such pond or lake, nor the outlet thereof, for the distance of a half a mile, at any time within three years after said fish shall be so put or placed in the said pond or lake; and if any person shall so fish within the period aforesaid, he or she shall forfeit for every offence the sum of ten dollars, to be recovered before any justice of the peace, with costs of suit, by and in the name of any person who may have so put or placed the said pickerel in such pond or lake.

II. And be it further enacted, That all the provisions of this act, and the act entitled, "an act for the protection of fish in the county of Columbia," passed during the present session of the legislature, be and the same are hereby extended to all the streams, lakes and ponds, in the counties of Greene, Sullivan and Ulster: *And further, That* no trout shall be taken in either of the said counties during the months of August, September and October, in each and every year, under the like penalty as given by the preceding section of this act, to be recovered in the manner therein directed.

CHAP CCIX.

AN ACT for the relief of Charles Reade.

Passed April 13, 1819.

WHEREAS Charles Reade, of the city of New-York, patent spiral truss manufacturer, hath, by his petition, represented, that he the said Charles Reade removed from Ireland to the city of New-York, in the year of our Lord one thousand seven hundred and ninety-nine, and became naturalized in the month of April, in the year of our Lord one thousand eight hundred and eight, that Ann Reade, his late wife, during his temporary absence from the said city, in the year one thousand eight hundred and fifteen, purchased the house and lot, number five, William-street, in the city of New-York, and took the conveyance or title thereof in her own name; that the said Ann Reade was, at the time of the said purchase, and also at the time of her death, an alien; but that the said Charles

Reade, and all his children, two of whom are minors, are citizens of this state, and residents thereof; and hath prayed legislative aid and relief in the premises to prevent his family from being disturbed or interrupted in the possession of the said premises after the decease of the said petitioner : Therefore,

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That all the right, title, claim and interest, which this state now has, or may in virtue of the alienism of Ann Reade, late wife of Charles Reade, of the city of New-York, at any time hereafter have in and to that certain house and lot of land, in the city of New-York, known and distinguished as number five, William-street, with its hereditaments and appurtenances, shall be and hereby is vested in the said Charles Reade, during his natural life, and after his death, to all the children of the said Ann Reade, deceased, their heirs and assigns for ever, subject to all legal incumbrances and charges thereon.

CHAP. CCX.

AN ACT to authorise William Bailey, administrator of the goods, chattels and credits of John L. Tryon, deceased, to execute a conveyance for the estate therein mentioned.

Passed April 13, 1819.

WHEREAS it is represented to the legislature, that John L. Tryon, on the fourteenth day of May, one thousand eight hundred and seventeen, bought the real estate and machinery of the Nassau cotton manufactory company for five thousand eight hundred dollars, on an execution in favor of Elisha Gilbert, junior, Charles Mason and Paul Roberts, for the benefit of the plaintiffs and Andrew Hunter, Nathan Wheeler and Joshua Bigelow, and took a deed therefore, in his own name, without paying the consideration, or any part thereof, but became personally responsible therefor, and the said John L. Tryon agreed to convey all his right, title and interest, of, in and to the said cotton manufactory, buildings and machinery, whenever he should be discharged from the purchase money, and indemnified against certain responsibilities which he had assumed for and on account of the company owning said manufactory, buildings and machinery, and the said John L. Tryon, hath since died without executing the said agreement : *And whereas* the said Andrew Hunter, Nathan Wheeler and Joshua Bigelow have consented that their right and title aforesaid should be granted and conveyed to the plaintiffs aforesaid, their heirs and assigns, and the said Elisha Gilbert, junior, Charles Mason and Paul Roberts, have agreed to exonerate the estate of the said John L. Tryon from all the responsibilities aforesaid, on receiving a conveyance for the manufactory, buildings and machinery aforesaid, and William Bailey, the administrator, Phineas Smith, Betsey Maria Sheldon, Joseph W. Brown, Joseph Davis, guardians for William A. Tryon, and John Shepherd, guardian for John T. Shepherd, Thomas Shepherd and Catharine Shephard, being all the heirs and persons hold-

ing any interest in the property of the said John L. Tryon, have prayed that the said William Bailey may be authorised and empowered to convey the said manufactory, buildings and machinery, to the said Elisha Gilbert, junior, Charles Mason and Paul Roberts, their heirs and assigns, in pursuance of the said agreement, and the estate of the said John L. Tryon discharged as aforesaid :—
Therefore,

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the said William Bailey, administrator as aforesaid, by deed, duly executed, to release, assign and grant, all the estate, right, title, interest and claim, of the said John L. Tryon, of, in and to all and singular the estate, real and personal, heretofore belonging to the Nassau manufacturing company, as it is described in a deed of the same executed by John Brees, late sheriff of the county of Rensselaer, to the said John L. Tryon, to the said Elisha Gilbert, junior, Charles Mason and Paul Roberts, or their assignee or assignees, and to either of them, being the assignee of the others, whenever the said William Bailey shall receive from them a full and perfect discharge from the purchase money aforesaid, and also of and from all and every other responsibility assumed or entered into by the said John L. Tryon to any person or persons for or on account of the said Nassau manufacturing company: *Provided however,* That said deed shall not be executed unless an order to that effect shall be obtained from the court of chancery, upon satisfactory cause shewn; and that before such order be made, reasonable public notice, in the discretion of the chancellor, be given of this act and the application to that court.

CHAP. CCXI.

AN ACT to incorporate the "*French Benevolent Society.*"

Passed April 13, 1819.

WHEREAS the members of a society, instituted for charitable ^{Purpose.} purposes, have petitioned the legislature for an act of incorporation, the better to enable them to attain the objects of their association: Therefore,

I. *BE it enacted by the people of the State of New-York,* ^{Society incor-} *represented in Senate and Assembly,* That all persons who now ^{porated.} are or who may hereafter become members of the aforesaid society, shall be and hereby are constituted a body corporate, in fact and in name, by the name of "*The French Benevolent Society;*" and by that name shall have succession, and be in law capable of suing and being sued, defending and being defended, in all courts and places, and in all manner of actions and cases whatsoever; and may have a common seal, and change the same at pleasure; and by that name and style be capable in law of purchasing, holding and enjoying, to them and their successors, any real estate, in fee simple, or otherwise, and any goods, chattels and personal estate, and of selling, or otherwise disposing of the said real and personal

Provido. estate, or any part thereof, at their will and pleasure: *Provided always,* The clear annual value or income of such real and personal estate shall not exceed the sum of five thousand dollars.

General power. II. *And be it further enacted,* That the said society shall have power to make such constitution, by-laws, ordinances, rules and regulations, for the appointment of officers, the government of the society, the management of their property and the superintendence of all their concerns, as to them shall appear most proper and beneficial: *Provided,* The same be not inconsistent with the laws and constitution of this state or of the United States.

Public act. III. *And be it further enacted,* That this act be and the same is hereby declared to be a public act, and that the same be construed in all courts and places benignly and favourably for every beneficial purpose therein intended.

May be repealed. IV. *And be it further enacted,* That nothing in this act contained shall be construed to prevent the legislature from altering, amending or repealing the same at any time hereafter.

CHAP. CCXII.

AN ACT to change and increase the Fund for the Support and Encouragement of Common Schools, and for other purposes.

Passed April 13, 1819.

Funds for the support common schools. I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly,* That for the more effectual support and encouragement of common schools, within this state, the following funds and revenues be and the same are hereby for ever appropriated and set apart, viz: the loans made pursuant to the act entitled, "an act for loaning moneys belonging to this state," passed the fourteenth day of March, in the year one thousand seven hundred and ninety-two, and the act entitled, "an act authorising a loan of moneys to the citizens of this state, passed the eleventh day of April, in the year one thousand eight hundred and eight; the shares of the capital stock of the Merchants' bank, held in the name of the people of this state; the net proceeds of all lands which may escheat to this state in the military tract; and the net proceeds of the fees of the clerks of the supreme court of this state; and the said funds, with such additional grants and appropriations as may, from time to time, be made for the benefit of common schools, to be denominated the "school fund."

General fund of the state. II. *And be it further enacted,* That the whole of the fund now denominated the "school fund," with the exception of the Merchants' bank stock, and the proceeds of the fees of the clerks of the supreme court, be and the same is hereby declared to belong to the general funds of the state; and the proceeds thereof shall and may be applied to the discharge of the debts due from this state and the payment of the ordinary expenses of government.

Escheated lands in the military tract. III. *And be it further enacted,* That all the lands which have escheated to the people of this state, in the military tract, shall be sold by the surveyor-general, under the direction of the commis-

sioners of the land office, in the same manner, and under the like conditions, as the unappropriated lands of this state are directed to be sold in and by the act entitled, "an act concerning the commissioners of the land office and the sale of the unappropriated lands."

IV. *And be it further enacted*, That whenever the funds set apart by the first section of this act shall produce, annually, more than eighty thousand dollars, the surplus, together with the purchase moneys to be received into the treasury on account of the said escheated lands, shall be invested by the comptroller in any of the stocks of this state; and certificates for said stock shall be taken in the name of the comptroller, for the time being, in trust for the school fund, which trust shall be expressed in every certificate. School fund to be invested in stock.

V. *And be it further enacted*, That from the revenues arising from the funds by this act set apart for the school fund, there shall be distributed, in the year one thousand eight hundred and twenty, and annually thereafter, for the support and encouragement of common schools, within this state, in the manner, at the times, and under the conditions, that may be prescribed by law, the sum of eighty thousand dollars, until the revenues arising from the said funds shall amount to ninety thousand dollars a year; and thereafter the sum of ninety thousand dollars shall be annually distributed, until the said revenues shall amount to one hundred thousand dollars a year; and thereafter one hundred thousand dollars shall be annually distributed, until there may be a further increase of ten thousand dollars; and then, and so often as there may be such further increase of ten thousand dollars, the same shall be added to the sum previously distributed. Revenues how to be distributed.

CHAP. CCXIII.

AN ACT to amend "an act for laying out a Road from Turin to Emilyville."

Passed April 13, 1810.

WHEREAS by an act of the legislature, passed April, one thousand eight hundred and fourteen, commissioners were appointed to lay out a road from the town of Turin, in Lewis county, to Emilyville, in St. Lawrence county, with authority to levy an assessment on the lands in the neighborhood of the road, and to receive the taxes on the unsettled lands in that part of the town of Leyden, in Lewis county, lying east of the Black river, for the purpose of improving the said road: *And whereas* the commissioners accordingly laid out the road, and caused the same to be made for the distance of about fourteen miles easterly from the Black river, and received moneys on account of the said assessment and taxes: *And whereas* by the memorial of the said commissioners it appears that it is not advisable, at present, to complete the said road; and that there remains a balance of two thousand eight hun-

dred and forty-five dollars thirteen cents over and above the expenses incurred in making the road : Therefore,

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the comptroller be authorised to cause the said balance to be invested in the stocks of this state, and that the interest money be paid to the said commissioners, and that they expend the same in improving the said road, or in laying out and improving such other roads in that part of the town of Leyden east of the Black river, as they deem most for the advantage of the owners of the land there, until it shall be advisable to complete the road originally proposed, and that the said commissioners account to the comptroller annually for the said interest money.

II. *And be it further enacted*, That if the said commissioners receive any additional moneys on account of the said road, such moneys shall be invested in like manner, and for like purposes, as stated in the first section of this act.

CHAP. CCXIV.

AN ACT relative to the Albany and Delaware Turnpike Road.

Passed April 13, 1819.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the period for finishing the first eight miles of the Albany and Delaware turnpike road be prolonged for the further term of seven years from and after the passing of this act.

CHAP. CCXV.

AN ACT for the relief of the President and Directors of the Fifth Great Western Turnpike Company.

Passed April 13, 1819.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the time mentioned in the act incorporating said company for the completion of the said turnpike shall be and is hereby extended three years from and after the time now allowed by the said act of incorporation ; and if the said turnpike road be completed within the said three years the said act of incorporation shall be and remain in full force, any thing therein contained to the contrary notwithstanding.

CHAP. CCXVI.

AN ACT to incorporate the Otselic Bridge Company, in the county of Broome.

Passed April 13, 1819.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That Jonathan Lewis, John Sharp, Asa Whitney, and Miles Hinman, their present and future associates, their assigns and successors be, and they are hereby created a body politic and corporate, by the name of the "President and directors of the Otselic Bridge Company," for the purpose of building a bridge across the Otselic river, near Sharp's mills, in the town of Lisle, and they are hereby constituted and declared to be a body politic and corporate, in fact and in name ; and by that name they and their successors shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, in all courts and places whatever ; and that they and their successors shall and may have a common seal, and make, change and alter the same at their pleasure ; and also, that they and their successors, by the same name and style, may be capable in law to purchase, hold and convey any estate, real or personal, for the use of the corporation : *Pro-Provido.* *vided*, the real estate so to be holden, shall be such only as may be necessary to prosecute or attain the object of this corporation.

II. *And be it further enacted*, That Jonathan Lewis, Asa Whitney, and John Sharp, be and they are hereby appointed commissioners to do and perform the several duties herein after mentioned : that is to say, they shall on or before the first day of June next, procure three books, and in each of them write as follows : " We, whose names are hereunto subscribed, do for ourselves and our legal representatives, promise to pay the president and directors of the Otselic bridge company, the sum of ten dollars for each share of stock in the said company, set opposite to our respective names, in such manner and proportion, and at such times and places as shall be determined and directed by the said president and directors ;" one of which books shall be left with each of said commissioners at their respective places of abode, who shall keep the same open for the purpose of receiving subscriptions, and every subscriber shall, at the time of subscribing, pay unto either of the said commissioners the sum of two dollars for each share so subscribed ; and the commissioners shall, as soon as two hundred shares have been subscribed, cause an advertisement to be put up in three of the most public places in said town, giving at least ten days notice of the time and place for the subscribers to meet, for the purpose of choosing five directors, who shall be stockholders, to manage the concerns of the said company for one year, and the third Monday in June, in every year thereafter, shall be the anniversary day of meeting of the directors of said company, and a majority of the directors, when chosen as aforesaid, shall be competent to transact the business of the said company, and their acts be obligatory on all the members of the corporation ; and the di-

rectors, as soon as they shall be chosen, shall proceed to nominate and appoint one of their number president ; and the president and directors shall meet from time to time, at such place as they may deem expedient, and shall have power to make such by-laws, rules and regulations, not inconsistent with any law of this state or of the United States, as shall be judged necessary for the well ordering the concerns of the said company.

Stock.

III. *And be it further enacted,* That the said president and directors may continue to receive subscriptions to the said stock of the said company, until there shall be four hundred shares subscribed ; and shall have power to employ such agents, clerks, workmen and others under them, as may be necessary for executing the business of the said corporation ; and that each stockholder shall be entitled to a vote for each share he shall possess in the stock of the said company ; and that so soon as the said bridge is completed, the said president and directors shall cause to be filed with the comptroller, an exact statement of the expense laid out in the building thereof.

Toll.

IV. *And be it further enacted,* That it shall and may be lawful for the said corporation to demand, take and receive, for the use of the said bridge to be erected as aforesaid, such toll as the court of common pleas of the county of Broome shall, from time to time, direct, not exceeding the following rates, viz : For every four wheeled pleasure carriage, drawn by two horses, twenty-five cents ; for every two wheeled pleasure carriage, drawn by one horse, twelve and an half cents, if by two horses, eighteen cents ; for every waggon, drawn by two horses, twelve and an half cents, if four horses, twenty-five cents ; for every sled or sleigh and horses, six cents, and for every additional horse, six cents ; for each waggon, cart or sled, drawn by oxen, six cents ; for every one horse sled or sleigh, four cents ; for every one horse waggon, six cents ; for every man and horse, six cents ; for every foot passenger, two cents ; for every horse, jack or mule, two cents ; every cow or other neat cattle, two cents ; every sheep or hog, one cent.

Powers of directors.

V. *And be it further enacted,* That it shall be lawful for the said directors to call on and demand from the stockholders respectively, all such sums of money by them respectively subscribed, at such times and in such proportions as the said president and directors shall think proper, under pain and forfeiture of their respective shares and all previous payments made thereon, to the said president, directors and company, giving at least fifteen days previous notice of every such call.

Dimensions.

VI. *And be it further enacted,* That the said bridge shall be built at least eighteen feet wide ; and if any person shall wilfully injure or impair the said bridge, the person or persons so offending, shall forfeit and pay to the said company treble the amount of damages sustained by reason of the injury, with costs of suit, by action of debt, in any court having cognizance thereof, and the action so to be brought is hereby declared transitory.

A public act.

VII. *And be it further enacted,* That this act is hereby declared to be a public act, and is to be benignly construed for every beneficial purpose therein contained.

VIII. *And be it further enacted*, That the legislature may dissolve the said incorporation whenever the income arising from the said toll shall have fully compensated the corporation for all moneys expended in making, repairing and taking care of said bridge, with an interest of ten per cent. per annum, any thing to the contrary notwithstanding : *Provided however*, That the said act of incorporation shall not continue in force for a term of time exceeding twenty years from the passage thereof.

May be repealed.

CHAP. CCXVII.

AN ACT to amend an act, entitled "*An act to prevent digging up and removing Dead Bodies for the purpose of dissection,*" passed April 3d, 1801.

Passed April 13, 1810.

I. *BE it enacted by the people of the State of New-York*, *representing* in Senate and Assembly, That if any person shall, with intent to dissect, dig up or remove, or be aiding or assisting in digging up or removing any dead human body, which shall have been interred in any cemetery or burial place within this state, or shall dissect, or aid, abet or assist in dissecting such human body, every such person shall be deemed guilty of felony, and being thereof convicted in any court of oyer and terminer and gaol delivery, or general sessions of the peace, shall be punished by imprisonment in the state prison for a term not exceeding five years, as the court before whom such conviction shall be had, shall in their discretion think proper.

Duty of justices & other officers.

II. *And be it further enacted*, That it shall be the duty of any justice of the peace, or other proper officer, within this state, on the oath of any person or persons, complaining and demanding the same, to issue a warrant to apprehend all and every person offending, or suspected of offending against the provisions of this act, and to bring such persons offending, or suspected of offending as aforesaid, before such justice or other proper officer, having cognizance thereof, to answer such complaint, and to be dealt with according to law : And it shall be the duty of the such justice or other proper officer, on the oath of any person complaining, to issue a search warrant to any constable, or other proper officer, directing him diligently to search every place wherein such dead bodies dug up as aforesaid, shall be suspected to be concealed or deposited, and to bring the person or persons in whose possession such dead body or bodies, dug up as aforesaid, may or shall be found, before said justice, or other proper officer, to be dealt with according to law.

III. *And be it further enacted*, That the first enacting clause of the act, entitled "*an act to prevent digging up and removing dead bodies for dissection,*" passed April 3d, 1801, be and the same is hereby repealed.

Part of former act repealed.

CHAP. CCXVIII.

AN ACT for disposing of the Lands belonging to the People of this State, in the St. Regis Reservation.

Passed April 13, 1819.

Preamble-

WHEREAS the commissioners appointed by and in pursuance of the act, entitled "an act relative to the lands belonging to the people of this state, in the St. Regis reservation," have, with their report to the legislature, delivered a map of a village, as laid out by them, on the mile square, on Salmon river, being part of said lands, and a division of the residue thereof into out-lots : Also, a map of the remainder of the said lands, surveyed into farm lots, with appraisements of the same, and of the lots on the said mile square, exclusive of the improvements : And also, of the value of the improvements thereon, together with the names of the persons who, in their opinion, have the strongest claim to them respectively : Therefore,

Maps, &c. to be filed.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly,* That the said maps, with the field book of the survey of the said lands, and the said appraisements, be filed in the office of the secretary of this state.

Claimants for improvements to apply to the land-office.

II. *And be it further enacted,* That if the persons reported, as aforesaid, to have the strongest claims to the improvements on said lands, or their heirs or assigns, or either of them, shall, within two years from the passing of this act, apply to the commissioners of the land-office, to purchase the lots on which they have such claims to the improvements, except as to the farm lot number thirty-one, with the parts of lots number four and five annexed to them, the said commissioners shall sell and grant the same to such applicant or applicants, his or their heirs or assigns, on the conditions prescribed by the act, entitled "an act concerning the commissioners of the land-office and the sale of unappropriated lands," passed April the sixth, eighteen hundred and thirteen ; and the consideration for every such lot shall be the value thereof as set down in the appraisements aforesaid, made exclusive of improvements ; and the said commissioners shall also sell and grant, in the same manner, to Wareham Hastings, on his application as aforesaid, the house lots number thirty-six, thirty-seven and thirty-eight, of said village ; but such sale shall not prejudice the equitable claims of any other person to any of the improvements and water privileges on said lots number thirty-six, thirty-seven and thirty-eight, or his right of recovering the same, as provided by the seventeenth section of the said act.

Lots how to be sold.

III. *And be it further enacted,* That all the lots that shall not be applied for in manner aforesaid, shall be sold in the manner and on the conditions prescribed by the fifteenth, sixteenth and twenty-first sections of said act ; and on the further condition that the person reported as aforesaid, to have the strongest claim to the improvements on any such lot, his heirs or assigns, shall be entitled to recover from the purchaser thereof the value of such

improvements, as designated by the said appraisements, and letters patent shall not be issued for such lot, until satisfactory proof be produced, that the person entitled to such improvements has been satisfied for the same.

IV. *And be it further enacted*, That the farm lot number thirty-one, with the parts annexed to it from lots number four and five, and the house lots and out-lots on the said mile square, which have been reported as vacant, shall be sold in the manner and on the conditions prescribed by the said act, with this further condition, that the person having the strongest claim to the improvements on such lot, shall be entitled to recover from the purchaser thereof the value of the improvements thereon, although the same may not have been made on or before the seventeenth day of February, eighteen hundred and nine, nor the value thereof amount to twenty-five dollars; and the person entitled thereto, shall be ascertained by the appraisers that shall be appointed in such cases, pursuant to the seventeenth section of said act.

Farm lot,
No. 36.

V. *And be it further enacted*, That John Hunsden, in consideration of the stipulations made with him, for services rendered by him in the negotiations with the St. Regis Indians, on behalf of the people of this state, shall be allowed a credit of one thousand two hundred dollars, on any purchase he shall make of the said lands.

John Hunsden allowed credit for D. 1200.

VI. *And be it further enacted*, That the surveyor-general shall cause marks or monuments to be set wherever it may be necessary to ascertain the boundaries of the lots laid out in the said mile square, according to the map thereof reported as aforesaid.

Monuments to be set up.

VII. *And be it further enacted*, That if the legal representatives of James Robertson and Alexander Robertson, shall make application to purchase the village house lot number seventeen, in pursuance of the provisions of the second section of this act, it shall not be lawful for the said commissioners of the land-office to grant the same to the said representatives of the said James and Alexander Robertson, until they shall have paid into the treasury of the state, the sum of one hundred and twenty dollars, for the benefit of Robert Buchanan, or his legal representatives: *And further*, That in case such grant shall be made of the said lot number seventeen, the title thereby vested in the said legal representatives of the said James and Alexander Robertson shall be as good and valid in law, in all respects, as if they were natural born citizens of this state, any plea of alienism to the contrary notwithstanding.

Heirs of J. & A. Robertson

R. Buchanan's representatives.

VIII. *And be it further enacted*, That it shall be lawful for the person administering the government of this state, to obtain a release from the said Indians of an excess of three hundred and seven acres of land, included in the survey of the lands last purchased from them, and to stipulate therefor an addition to their annuity at the same rate as is stipulated for the said last purchased lands, or to pay them a sum not exceeding the present worth of such additional annuity.

Release to be obtained from the Indians for 307 acres.

CHAP. CCXIX.

AN ACT to amend an act, entitled "an act to organize the Militia."

Passed April 13, 1819.

The infantry
in New-York
to rendezvous
five times a
year.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That the infantry in the city and county of New-York, shall have five rendezvous in every year, for the purpose of being trained, disciplined and improved in martial exercise, one by companies, two by battalions, and two by regiments; that the brigadier general shall appoint one of the said regimental parades for inspection, at such time and place within the said city, as he may think proper, and that the times and places of the other rendezvous shall be appointed by the commanding officer of the regiment, who may order his regiment to be formed on the days appointed for the battalion parades; and the delinquents at any of the parades aforesaid, shall be liable to the same fines, penalties and forfeitures, and shall be returned and proceeded against, and the fines be imposed, in the manner prescribed in the act hereby amended, and levied and collected in the manner hereinafter provided.

Uniform.

H. *And be it further enacted,* That the uniform of the infantry, in the said city and county of New-York, shall be the same as is now established for the infantry of the United States; the form and device of the button to be prescribed by the commander in chief in orders.

Plate and Feather
to be

III. *And be it further enacted,* That every citizen enrolled in the militia in the said city and county of New-York, pursuant to the provisions of the act hereby amended, shall, in addition to the equipments therein directed, provide himself with a plate and feather for the hat, of such fashion and form as shall be prescribed by the commander in chief, in orders, and shall wear the same at the several rendezvous directed by this act, under the penalty of fifty cents for each neglect.

Fines how to
be collected.

IV. *And be it further enacted,* That all fines, penalties and forfeitures which shall be imposed by any court martial, upon delinquents residing and being within the said city and county of New-York, shall be reported by the president of the said court to the brigadier general ordering the same, within thirty days after they shall be imposed; and for the purpose of collecting such fines, penalties and forfeitures, the president of the said court shall, within thirty days after such fines shall have been imposed, make a list of all persons fined by such court martial, and who shall not have paid their said fines to such president, designating therein the ward in which each delinquent resides, and the amount of the penalties, fines and forfeitures so imposed upon him, and draw his warrant under his hand and seal, directed to any constable or marshal of the said city and county, or other special deputy that may be appointed for that purpose by such court martial, thereby commanding the said constable, marshal or special deputy, to levy the said fines, penalties and forfeitures, together with his fees, of the

goods and chattels of each person named in the said list, and for want of goods and chattels whereon to levy, to take the body of such delinquent, and him to deliver to the keeper of the gaol in the said city and county, who is hereby directed to receive the same, to be by the said keeper closely confined in the gaol of the said city and county, without bail or mainprize, until the said fines, penalties or forfeitures, together with the constable's, marshal's or special deputy's and jailor's fees shall be paid, or until he shall be thence discharged as is hereinafter mentioned; and the said constable, marshal or special deputy shall return such warrant to the said president, in forty days, with a return of his actings and doings thereon, and shall, on or before the expiration of the time limited for the return of the said warrant, account to the said president, under oath, and pay to him or his successor all moneys which he may have collected or received in virtue thereof; and in case the said constable, marshal or special deputy shall return any of the said delinquents not found, it shall be lawful for the said president or his successor, in like manner, to issue another and further warrant against such delinquents, so from time to time returned not found, until the whole of the said fines, penalties and forfeitures shall have been collected, or the bodies of the said delinquents taken; and the said constable, martial or special deputy, in levying the said fines, penalties and forfeitures, shall proceed in the same manner, be entitled to the same fees, and subject to the same penalties, as in cases of execution issued out of any court of record: *Provided always*, That the jailor aforesaid shall set at liberty any person so confined, after he shall have been in close confinement as aforesaid for ten days: *Provided always, nevertheless*, That the warrant for the penalties, fines and forfeitures imposed on persons attached to the first brigade of New-York state artillery by virtue of this act, residing out of the said city and county, shall specify the town and county in which such persons reside, and contain a direction for their imprisonment in the gaol of such county, for want of goods and chattels whereon to levy the amount of fines, penalties and forfeitures imposed on them respectively, and the keeper of the gaol of such county is hereby required to receive and keep them confined as aforesaid.

Proviso.

V. *And be it further enacted*, That the said president of the said courts martial of infantry shall, annually, on the first Monday of January, and oftener if required, account upon oath, and pay over to the brigadier general ordering the said court, and to the commandants of regiments within his brigade, who are hereby constituted a board of officers for that purpose, or to a treasurer by them to be appointed, all the moneys which he may receive as aforesaid, to be by the said board of officers appropriated, in the first place to the payment of the salaries, allowed by the act hereby amended, to the brigade inspector, brigade judge advocates, and members of courts martial and courts of inquiry of the said brigade, and the marshals appointed by such courts respectively, and in the second place to the purchase and repair of colours and instruments of music, payment, instruction and equipment of musicians, printing of orders and notices, and such other military purposes as shall be directed and allowed by the said board of of-

Fines how to be accounted for and applied.

ficers ; and in the third place to pay the balance to the commissary of the division of artillery in the city of New-York, to be applied and expended by him, under the direction of the commander in chief, for and towards the remuneration of the state for supplies and ammunition furnished to the artillery of the said city and county, under and by virtue of the fifty-fifth section of the act hereby amended : *And further*, That the thirtieth section of the act hereby amended be, and the same is hereby repealed, so far as it respects the furnishing of the said artillery, or the militia in the said city, with colours, flags or drums.

Vacancies in
courts martial
how to be
supplied.

VI. *And be it further enacted*, That the commanding officer of each brigade of infantry, within this state, and of the first brigade of New-York state artillery, shall have power to supply any vacancy which may happen by reason of sickness, absence, or interest, of any member in the brigade courts martial, constituted by the seventeenth section of the act hereby amended, and ordered by them respectively ; and, that every officer or other person, who shall, after having been duly notified or summoned, refuse or neglect to appear before a court martial appointed for his trial, may be proceeded against as if he was personally present, and had pleaded not guilty : *And provided also*, That no sentence of any court martial upon a commissioned officer, shall be carried into effect, until such sentence shall be approved or disapproved by the officer ordering such court, in the manner and in the time prescribed by the twenty-third section of the said act ; and in case of the trial of a commissioned officer, that the words following be added to the oath prescribed for the members of the said courts martial, viz. : “ And, that you will not divulge the sentence of this court in this matter, until the same shall be approved or disapproved pursuant to law.”

Proviso.

Fines may be
remitted in
certain cases.

VII. *And be it further enacted*, That any brigade court martial shall have power, in their discretion, after the president shall have issued his warrant for the collection of fines, penalties or forfeitures imposed, on application of any delinquent, fined by default for not appearing to shew cause, who shall make satisfactory excuse to the court for his default, to reconsider his case, and on sufficient cause to remit the fine, penalty or forfeiture, or direct the same to be repaid, if collected.

Absent in-
fantry offi-
cers to be
fined.

VIII. *And be it further enacted*, That all officers of infantry, who shall absent themselves, without sufficient excuse, from any of the parades directed by this act, may be punished by fine, not exceeding twenty-five dollars for each parade, to be recovered in the manner specified in the twenty-fifth section of the act hereby amended ; and that all delinquencies which may happen in virtue of this section, or of the forty-eighth, fifty-fourth and fifty-fifth sections of the act hereby amended, shall, in the said city and county of New-York, be reported to the president of the court martial, to whose brigade the delinquent shall belong, instead of the president of the court martial within whose bounds the delinquent shall reside : *And further*, That the said courts martial shall have power to hear, try and determine the said delinquencies, and to mitigate or remit the fines aforesaid, or any other which the said court may lawfully impose, in whole or in part, as to the said

court martial shall seem just and proper, any thing in the said act to the contrary notwithstanding.

IX. *And be it further enacted*, That all officers, non-commissioned officers, privates and musicians, of any troop or company of artillery, not in the city of New-York, which was attached, at the time of the passing of the act hereby amended, to the command of the commandant of the first brigade of New-York state artillery, or to any regiment thereof, shall be and are hereby attached to the same; and while so attached, be exempt from the operation of the tenth and twenty-ninth sections of the act hereby amended, and be entitled to all the privileges and exemptions that are enjoyed by the non-commissioned officers and privates of the said brigade of artillery, and subject to the same duties, and answerable for all delinquencies and offences, before the same court martial, as the artillery in the said city. First brigade of artillery.

X. *And be it further enacted*, That all fines which shall be imposed by the brigade court martial of the said brigade of artillery, after deducting the pay of the judge advocate, members and marshal, constable or special deputy, and all necessary expenses of the court, for room hire, stationary and printing, shall be paid and divided to and among the commandants of regiments and separate battalions, in the said brigade of artillery, in proportion to the whole amount of fines collected from the said regiments and separate battalions respectively; and that the commandants of the said regiments and separate battalions shall annually, on the first Tuesday of May, render an account, upon oath, of all moneys by them respectively received and expended as aforesaid; and if there be any surplus in their hands, pay the same to the commandant of the said brigade of artillery, to be by him appropriated for the discharge of such necessary expenses as may be incurred for military purposes therein. Fines how to be applied.

XI. *And be it further enacted*, That no non-commissioned officer, private or musician of the said brigade of artillery, shall leave the troop or company to which he belongs, or join or engage in any other, or engage as a fireman in any fire company, so as to exempt him from duty in the said brigade of artillery, without the written consent of the commandants of the regiment or separate battalion, and of the troop or company to which he belongs. No person to leave the brigade without license.

XII. *And be it further enacted*, That the service of notices or warrants and summonses to attend the parades, improvement meetings and court martial of the said brigade of artillery, may be in the manner prescribed by the thirteenth and seventeenth sections of the act hereby amended, and also by leaving in writing a notice of the substance of such warrant or summons, at the store, office, counting-house, or usual place of business, of the person to be notified, warned or summoned, with some person of suitable age and discretion. Notices.

XIII. *And be it further enacted*, That in case of the arrest of a captain or subaltern, and trial thereon, five members of the brigade court martial shall be present; and that the officer ordering the trial shall detail five supernumeraries for the occasion, to act in case the number of the ordinary members should be reduced by challenge, or otherwise, below the number of five. Arrests.

Promotions.

XIV. *And be it further enacted*, That the provisions of the twenty-seventh section of the act hereby amended, respecting promotion on account of rank to office, above the grade of commanding officer of a regiment or separate battalion, shall not apply to the said brigade of artillery; and that all promotions of officers therein, shall take place in their respective companies, battalions and regiments, any thing in the act hereby amended to the contrary notwithstanding.

Musicians of color.

XV. *And be it further enacted*, That musicians of color, now attached, or which may at any time hereafter be attached to any regiment, battalion or company, in the said city and county of New-York, shall be subject, in all respects, to the same penalties, forfeitures and punishments, and be entitled to the same privileges, as the white musicians of the said city and county.

Fines.

XVI. *And be it further enacted*, That the amount of fines collected from the said brigade of artillery, and paid into the treasury, shall be repaid to the president of the brigade court martial thereof, to be paid by him to the commanding officers of regiments and separate battalions in the said brigade of artillery, and by them appropriated according to the tenth section of this act, and that a warrant on the treasurer, in favor of the president, issue accordingly: *And further*, That all fines imposed by the brigade court martial of the said brigade of artillery, before the passing of this act, which have not been paid into the treasury, shall be paid to the president thereof, by the person collecting the same, to be paid and distributed by him to and among the commandants of regiments and separate battalions in the said brigade of artillery, in manner aforesaid.

Part of former act repealed.

XVII. *And be it further enacted*, That so much of the said act as is contrary to the provisions of the present act, so far as the same respects the said city and county of New-York, and of the first brigade of New-York state artillery, be and the same is hereby repealed.

Exempt.

XVIII. *And be it further enacted*, That each and every person actually employed by the year or season on board of any vessel in the merchant service, or coasting trade in this state, all firemen attached to supply engines, and all other firemen belonging to any company attached to a fire engine, and not exceeding thirty in any one company, shall be exempt from military duty, except in cases of war, insurrection or invasion; and all fines heretofore inflicted on any such firemen shall be and hereby are remitted.

Non commissioned, &c. to parade.

XIX. *And be it further enacted*, That the commissioned officers and drum and fife major, and leader of the band, if any, of each regiment and separate battalion, including the officers of artillery and riflemen within the beat thereof, and below the rank of the commanding officer of such regiment or separate battalion, shall parade one day in each year, in addition to the day required by the eleventh section of the act hereby amended, and continue in martial exercise as therein directed; the commanding officer of regiment or separate battalion shall designate the days of such parade, and issue the necessary orders: *And further*, The cavalry may be ordered to parade for inspection by squadron or regiments, at the discretion of the commandants of such regiments.

Cavalry how to parade.

XX. *And be it further enacted*, That all returns of delinquents and delinquencies in any brigade may be made to the brigade judge advocate, and he may issue all summonses, subpoenas, and other needful process, under his official signature; and the same shall be as effectual in law as if issued by the president of the court martial. Delinquents how to be returned.

XXI. *And be it further enacted*, That the president of each brigade court martial shall appoint one or more marshals in each regiment or separate battalion within his brigade, and give timely notice thereof to the brigade judge advocate, to the end, that sufficient time may be given to issue the proper process, and to summon and subpoena delinquents and witnesses; the marshals shall be allowed two dollars a day, including all expenses. Marshals.

XXII. *And be it further enacted*, That in the absence of the president of any brigade court martial, the senior officer present shall preside with all the powers of a president of such court. Courts martial.

XXIII. *And be it further enacted*, That from the sentence of any brigade court martial, imposing a fine for any delinquency, an appeal, if made within twenty days, shall be allowed by the commanding officer of such brigade, who may remit or mitigate the same; and in that case shall give notice thereof to the president of such court, or to the sheriff, as the case may then require. Appeals may be made to generals.

XXIV. *And be it further enacted*, That the following additional fines shall be imposed on each non-commissioned officer and private in the cavalry, viz: for want of a sufficient horse, one dollar; for want of a sufficient pair of pistols, one dollar; for want of a sufficient saddle, bridle, or valise, twenty-five cents each; and for want of a sufficient cartridge box, twenty-five cents. Additional fines on the cavalry.

XXV. *And be it further enacted*, That the comptroller shall audit and allow to the judge advocate-general the amount of his postage on official letters and packages. Postage to J. A. Gen.

XXVI. *And be it further enacted*, That the office of commissary of division, except in the city of New-York, shall be abolished; and the commissary-general shall appoint such number of store keepers, not exceeding four, as may be necessary to take charge of such arsenals as may be made deposits of military stores and implements of war, who shall each receive, annually, a salary not exceeding twenty-five dollars, to be paid by the treasurer on the warrant of the comptroller. Division com. abolished except in New-York.

XXVII. *And be it further enacted*, That all commandants of regiments, and all other persons who have in their hands moneys arising from the levying and collection of fines for delinquencies and deficiencies under regimental court martial heretofore existing, are hereby required to pay the same over to the adjutant of the regiment in which such fines were collected, to be by him applied in the purchase of music and arms for such regiment; and in all cases where, on the application of any adjutant to any person having any moneys in his hands belonging to any regiment as aforesaid for the payment of the same, shall neglect or refuse to pay the same, it shall then be and is hereby made the duty of such adjutant, in his own name, to prosecute for the same in any court having cognizance thereof; and the money, when collected, to be applied as aforesaid. All moneys heretofore collected for fines to be accounted for.

Warrants
may be re-
newed.

XXVIII. *And be it further enacted*, That all presidents of regimental court martials heretofore appointed are hereby authorised to renew any warrant for the collection of fines heretofore levied and not collected, and to pay over all moneys collected from such warrants to the commandants of the respective regiments to which such money belongs, to be by such commandants applied as required by the preceding section.

Hamilton co.
militia.

XXIX. *And be it further enacted*, That the militia in the county of Hamilton shall not be required to parade at any battalion or regimental parade, but the captains of the several companies shall annually inspect their several companies, and make inspection returns thereof to the brigade inspector, on or before the first day of November, annually; and shall also make return of delinquents to the judge advocate of the brigade, on or before the first day of October, annually.

Privileges of
officers pro-
secuted.

XXX. *And be it further enacted*, That whenever any militia officer shall be prosecuted for any act by him done as such, he may plead the general issue, and give the special matter in evidence: And in case the plaintiff shall be non-suited, or have a verdict or judgment against him, the defendant shall recover treble costs, to be taxed and adjudged against the plaintiff, any law or limitation of costs to the contrary notwithstanding.

Officers ac-
countable for
money may
sue for the
same in their
own names.

XXXI. *And be it further enacted*, That it shall be the duty of the several officers to whom moneys are by this act directed to be accounted for and paid over, to sue for and recover such moneys, in his own name, but to the use herein before directed, in an action for money had and received of the persons so as aforesaid directed to account for and pay over the same in case they shall neglect or refuse to render such account and make such payments at the times, and in the manner, for that purpose herein before prescribed; and that it shall be lawful for the officer so suing to retain out of the money which he may recover all the necessary and reasonable expenses which he may incur in such suits.

CHAP. CCXX.

AN ACT for the final settlement of the accounts of the late Governor of this State.

Passed April 13, 1819.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the comptroller of this state be and he is hereby authorised and required to adjust and finally liquidate and settle the residue of the accounts of Daniel D. Tompkins, late governor of this state, and to credit and allow to him therein the same discount or premium on the current moneys borrowed and obtained by the said Daniel D. Tompkins on his personal responsibility, and by him expended and disbursed in the public service during the late war, as were made and allowed to other individuals and to bodies corporate, and by them received for

current moneys loaned to the government of the United States on the certificates of stock or funded debt of the said government, the said comptroller having reference in such settlement to the respective periods at which the said current moneys were so borrowed and obtained; and that the said comptroller debit the government of the United States with the sum so allowed to the said Daniel D. Tompkins in the account of this state with the general government, for disbursements during the late war; and that the treasurer pay, on the warrant of the comptroller, the balance, if any there should be found due, to the late governor, upon the final settlement of the said accounts.

II. *And be it further enacted*, That the comptroller be and he is hereby authorised and required to credit and allow to the said Daniel D. Tompkins, in the account, all such sums as may satisfactorily appear to him to have been advanced, expended and paid by the said Daniel D. Tompkins, for and on account of any public services, and which were authorised by law, and to open accounts with the various individuals to whom any advances were made by the said Daniel D. Tompkins, and allowed by the said comptroller in the settlement aforesaid, and to call all such individuals to an account for such advances.

CHAP. CCXXI.

AN ACT to enable certain Aliens to purchase, take, hold and convey Real Estate.

Passed April 13, 1819.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That John Sloan, George Sinclair, Abraham R. Brandon, Ambroise Françoise Cormier, James Graham, Ferdinand Grillo, Walter Leggat, James Crawford, Joseph Vary, Louis B. Henriques, James Mechan, William Fay, Luke Usher, John Brough, and Jaue Brough, his wife, and James Costigan, of the city and county of New-York; Charles Coles, of the county of Suffolk; John Brisbane, of the county of Westchester; Luke Stitt, of the county of Orange; John Huelat, of the county of Oneida; Arthur McClaskey, Alexander Trotter, senior, and Alexander Trotter, junior, of the county of Greene; Robert Burnet, of the county of Madison; Anthony B. Hawk, Arthur Johnston and Samuel Trounce, of the county of Sullivan; Charles Degen, Robert Gilmore and John Bruce, of the county of Ontario; Thomas Redwood, Michael Spencer and John Spencer, of the county of Onondaga; William Fitzgerald, Francis Algro, Robert Tate, John Short, John Chadwick, Joseph McDowell, John McDowell, Patrick Fay, Robert Heaney, James Harvey, Thomas Renwick, Joseph Dubois, Thomas Veach, Thomas Veach, junior, John Patterson, Thomas Walker, William Fife, George Walker, Lawrence Fay, John Johnson, William Holliday, John Rutherford,

John Milburn, Andrew Veitch, William White, John Wilson, Pat Walsh, William Cregan, Abraham Holderness, William Scruton, Anthony Thompson, Edward Murphey, William Rider, William Thompson, John Fulton, Thomas Short, of the town of Madrid, in the county of St. Lawrence; Cuthbert Ramsay, Thomas Haskins, John Wilson, senior, John Wilson, junior, James Henderson, William Ratbey, James Dickson, Robert Ormiston, Thomas Elliot, Donald McCara, William Farchney, James Farchney, James Fairbairn, Robert Darling, Newit Oswell, Richard Hayway, William Griffin, George Amer, John Bierks, Edward Beatty, Francis Dearden, Colin McClaron, Josames Weiss, Paul Weyner, Andreas Staal, Thomas Lee, Thomas Gray, James Davey, Edward Lovett, Robert Johnson, William Halliday, Thomas Young, James McDougal, John Willson, John Baird, senior, John Baird, junior, David Gregor, John Gregor, Peter Allan, John Hill, James Hill, Joseph Smith, John Smith, James Douglass, Robert Douglass, George Douglass, George Couper, William Arnold, William Ramsay, Ralph Hindmarsh, William Brodie, George Bell, John Elliot, George Sinclair, James Gore and William Warner, of the county of St. Lawrence; Jacob Hutton, Isaac G. Hutton, Joseph Broomhead and Robert Ballantine, of the city and county of Albany; Robert McCartney, of the county of Saratoga; Comte Real, Monsieur Roland, Charles Arnaud, Julie Arnaud, Antoine Germond, Amelie Germond, Monsieur Pichon, Claudius S. Quillard, Jean Feyel, Francois Joulin, Mary Joulin and William Cooper, of the county of Jefferson; and Joseph De Surveilliers, of the state of New-Jersey; James Waddington Lagrange, James Holmes, Robert White, Henry Van Altenstein, Christian Casler, Joseph Husson, Dennis Lanin, Charles Cashman, Daniel Cashman, Thomas H. Moore, William Stewart, Martha Stewart, John Stewart, Alexander Stewart, James Stewart, Mary Stewart, Peggy Jane Stewart, Alexander Bullions, Peter McGivney, shall be and they are hereby respectively enabled to take real estate within this state, either by descent or purchase, and to hold the same and dispose thereof, in the like manner as natural born citizens, and that the title to any lands tenements or hereditaments heretofore purchased or acquired as aforesaid by any of the above named persons shall not be impeached or defeated by reason of his, her or their alienage; but the same is hereby vested in every such person, his or her heirs and assigns, in like manner, as if he or she had been a natural born citizen: *Provided*, That in case any of the aforesaid persons shall, at the expiration of six years after the passing of this act, be alive and not naturalized according to the existing laws of the United States, all the lands which he or she may then hold by virtue of this act, shall be vested in the people of this state in the same manner as if this act had not been passed.

CHAP. CCXXII.

AN ACT concerning Quit-Rents, and to increase the Literature and School Funds, respectively.

Passed April 13, 1819.

I. *BE it enacted by the people of the State of New-York,* ^{Quit-rents how to be computed.} *represented in Senate and Assembly, That all quit-rents which shall have been reserved in sterling money, shall be computed at the rate of four dollars and thirty-seven and an half cents for one pound sterling; and where any quit-rents shall have been reserved in proclamation money, the same shall be computed as current money of this state; and where any quit-rents shall have been reserved in kind, and the value thereof not ascertained in money, the same shall be estimated as they appear to be charged in the accounts of the receiver-general of the late colony, now state of New-York; and if the same shall not appear therein, or such accounts cannot be found, it shall be lawful for the comptroller of this state to settle the amount of such quit-rents as to him shall appear to be equitable.*

II. *And be it further enacted, That all quit-rents which accrued between the twenty-ninth day of September, in the year one thousand seven hundred and seventy-five, and the twenty-ninth day of September, in the year one thousand seven hundred and eighty-three, and which are due from citizens of this state, or of the United States, shall be and hereby are remitted; and that no purchaser of any lands heretofore forfeited to the people of this state, and claiming under the said people by virtue of such forfeiture, shall be liable to pay any quit-rents for the same; but such quit-rents, and all arrearages thereof, are hereby also remitted.* ^{Certain quit-rents remitted}

III. *And be it further enacted, That it shall be lawful for the comptroller to receive payment of arrears of quit-rent, in any stock created by the authority of the United States, duly transferred to the people of this state, at the nominal amount of such stock: Provided, That the commutation for the future quit-rents be at the same time paid, either in said stock, or in money.* ^{May be paid in U. S. stock}

IV. *And be it further enacted, That it shall be lawful for the comptroller of this state, from time to time, by warrant, under his hand and seal of office, to appoint and authorise any proper person to distrain for the quit-rent due, or hereafter to become due, upon any divided part of any grant or patent, or any tract or parcel of land contained therein; and every such person so appointed shall be considered the proper officer for that purpose; but no distress shall be made by virtue of this act upon any lot or divided part of any tract of land for any arrears of quit-rent due for any other part of the said patent or tract of land.* ^{Comptroller may distrain.}

V. *And be it further enacted, That if it shall appear to the comptroller, that any payment of quit-rents, or certificates given for the remission of quit-rent, in pursuance of any former law of this state, shall have been credited by mistake to the wrong patent or lot, or that such certificates, although duly obtained, have not been delivered to the late auditor, or on account of any mis-* ^{Mistakes in crediting quit-rents may be corrected.}

take therein as to the date of the patent, the names of the patentees, or the number of the lots, have not been entered by the said auditor, it shall be the duty of the comptroller, on discovering the same, to rectify all such mistakes, and receive all such certificates not delivered as aforesaid, and to file and enter the same, and also such other certificates as have not been so entered as aforesaid, which shall be as effectual as if the same had been entered in due time by the said auditor; and that no credit, so given by mistake, shall operate to discharge any lands from the quit-rents justly due thereon.

Also in payments.

VI. *And be it further enacted*, That it shall be lawful for the comptroller, whenever payments have or shall be made for quit-rents or commutation, by mistake, to rectify such mistakes, and to draw his warrants on the treasurer for any sums of money which shall appear to have been overpaid.

Certain law to take effect in 1836.

VII. *And be it further enacted*, That the act entitled, "an act for the limitation of criminal prosecutions, and of actions at law," shall not take effect, or be in force, as to quit-rents, or any proceeding for the recovery of the arrears thereof, until the first day of January, which will be in the year of our Lord one thousand eight hundred and thirty.

Forfeited lands.

VIII. *And be it further enacted*, That it shall be the duty of all persons owning lands heretofore forfeited to the people of this state, to exhibit satisfactory proof to the comptroller, on or before the first day of May, in the year one thousand eight hundred and twenty, that their lands were so forfeited, in order that the quit-rents charged thereon may be cancelled and discharged; and if any such persons owning lands so forfeited shall neglect to produce such proof within the said period, he shall be liable for the costs that may be made in advertising the said lands for the non-payment of quit-rents appearing due thereon, and for all other costs that may have accrued in enforcing the payment or collection of such quit-rents, until the time of producing such satisfactory proof as aforesaid; and no sale shall be made of any such lands for the non-payment of quit-rent, if before the same, such satisfactory proof as aforesaid shall be made and produced as afore-

Provided, said: *Provided always*, That the said comptroller shall not, until the first day of May, in the year one thousand eight hundred and twenty, so far as may regard any patent on which payments were made or remission granted, as specified in this act without a specification of the lands on which such payments were made or remission granted, publish the notice required by this act.

Certain quit-rents remitted.

IX. *And be it further enacted*, That one half of all the arrears of quit-rents upon any farm not exceeding one hundred and fifty acres, whereon no settlement or improvement was made before the first day of January, in the year one thousand seven hundred and eighty-one, and which has since that time, and before the passing of this act, been bona fide purchased and actually settled and improved, shall be and hereby are remitted: *Provided*, That the owner of such farm shall, before it be sold, in pursuance of this act, pay the other half of such arrears of quit-rents into the treasury of this state, and commute for the quit-rent thereafter to grow due thereon, by paying one dollar and fifty cents for every

Provided,

twelve and an half cents of the said quit-rent, and shall also pay such costs as may have been made in pursuance of this act for the collection of such quit-rents.

X. *And be it further enacted*, That whenever it shall be satisfactorily proved to the comptroller, by oath or affirmation, in writing, of the supervisor and town clerk, or of any two assessors of any town, in any county of this state, that any tract or parcel of land, situate in such town, upon which any quit-rents may be due and in arrear, is uncultivated, and that the value thereof doth not exceed the sum of two dollars an acre, then it shall and may be lawful for the comptroller to remit to the owner or proprietor of such land, the one fourth part of the quit-rents which may be due and in arrear upon the said lands : *Provided*, That the remaining part of such arrears be paid into the treasury of this state before such lands shall be sold in pursuance of this act : *And provided also*, That such lands are owned by a citizen of this state.

On uncultivated lands.

Proviso.

XI. *And be it further enacted*, That all lands upon which arrears of quit-rent to the twenty-fifth day of March, in the year one thousand eight hundred and fourteen, have been paid, shall be and are hereby declared to be for ever released from all quit-rents, as well future as past ; and that in all cases where a sale shall be made to raise quit-rents due on any tract of land, such tract of land shall be and is hereby declared to be as completely released from quit-rents as if the same had been discharged by the payment of the arrears and commutation thereon.

Lands when released from quit-rents.

XII. *And be it further enacted*, That all lands belonging to any church or literary institution, within this state, whether originally granted to such church or literary institution, or subsequently acquired by purchase or gift, shall be, and the same are hereby declared to be, released from all quit-rents.

Church lands

XIII. *And be it further enacted*, That the lands upon which the owners shall, at any time before the sale authorised by this act, pay in money sixty per centum of what the arrears of the quit-rents, and of the commutation for future quit-rents on their lands amount to at the time of payment, shall be for ever released from quit-rents ; and the owners of land in the patents in which sales were made in November, in the year one thousand eight hundred and fifteen, may be discharged from the lien on their lands by paying a like proportion of the sums owing by them respectively.

Commutation.

XIV. *And be it further enacted*, That when there are or may be several owners or proprietors of any tract of land chargeable with quit-rents, whether the same is or shall be situated in one town or in several towns or counties, it shall be lawful for any three or more of such owners or proprietors, whenever there shall be more than one year's quit-rent due on such tract, to put up an advertisement in three public places within each of the towns in which such patent may be situated, at least fourteen days prior to the time of meeting specified in such advertisement, notifying and requiring all the owners and proprietors of lands in such patent, chargeable with quit-rents, to meet at a certain time and place therein to be specified, not less than twenty nor more than forty days from the time of setting up such advertisement, to raise and pay the arrears of quit-rents then due for such tract ; and such of

Lands owned by several proprietors how to be charged.

the owners and proprietors of the said land chargeable with quit-rent, as shall then meet, may proceed to choose, by plurality of voices, two assessors, and one collector, for the purpose ; and the assessors, so chosen, shall procure from the comptroller of this state, an account of the arrears of quit-rent due for such patent, with an account of the charges of advertisement, if any, and an account of the quantity of land in such patent, if any, on which quit-rent is remitted or discharged by commutation, and shall then proceed to make an assessment roll, containing the names of the owners or proprietors of the land in the said patent chargeable with quit-rent, where they can ascertain them, and the quantity of land to which they are respectively entitled, and the sum with which each of them, and with which each parcel of land, is chargeable, according to the quantity of land which every person, known or unknown, may be entitled to in the said patent or tract, with an addition of six per cent. for charges, taking care to describe, with reasonable certainty, the lands assessed, and to designate each owner who may be known, and subscribe their names to the said assessment roll, and annex the account received from the comptroller to it, and within forty days from the time they were chosen, deliver the same to the collector so chosen as aforesaid, who shall collect from the several persons named in such assessment roll, resident on the said land, the several sums they shall be respectively charged with, in the same manner as the collectors of public taxes are or shall be empowered to do by law ; and shall, within one hundred and twenty days after he receives such assessment roll, pay the sums by him received or collected thereon, to the treasurer of this state, and deliver the said assessment roll to the comptroller, with a certificate thereon, signed by such collector, if the whole sum mentioned thereon, is not paid, setting forth which of the persons therein named are delinquents, and the lands, if any, of owners unknown which remain unpaid, and the reasons why the charges remaining unpaid could not be levied ; and such collector shall also pay one sixth part of such part of said six per cent. as he shall collect, to the assessors, for their trouble, and retain the residue as a compensation for his services ; and the comptroller shall sell the lands of the delinquents, whether residents or non-residents, or so much of each piece or parcel, so returned to him, as may be necessary to raise the amount due on each respectively, with the expense of advertising and of sale, first giving notice of the sale in manner herein prescribed : *Provided however,* That after any tract or patent shall be advertised for sale for the arrears of quit-rent thereon, every such collection as aforesaid, and payment into the treasury, shall be made prior to the sale of the land.

Revised.

*Amended to be
enacted.*

XV. *And be it further enacted,* That in every case in which application shall be made to the comptroller by the assessors to be appointed under this act, to ascertain the amount of quit-rents due on any patent or tract, he shall certify not only the arrears of quit-rent then actually due on such patent or tract, but in case that sixty per centum of such arrears, and the commutation for future quit-rent on such patent or tract, shall be less than such arrears alone, he shall certify what such sixty per cent. of such arrears

and commutation amounts to, and then, and in every such case, the amount to be collected, where collections can be made by the collector as aforesaid, shall be the said sixty per cent. of arrears and commutation, and not the amount of the said arrears, and the payment of such sixty per. cent. into the treasury, shall fully discharge the lands upon which the same shall be paid from all quit-rents, as well future as past.

XVI. *And be it further enacted*, That the owners or proprietors of any tract of land, in which the lands sold in the month of November, in the year one thousand eight hundred and fifteen, were redeemed by this state in pursuance of the act entitled, "an act directing the redemption of lands lately sold for quit-rents, and further to amend the act relative to quit-rents," passed 12th April, 1816, shall and may proceed in all respects to the collection and payment of the amount due on any such patent or tract, as well for the sum paid for the redemption by this state, as for the additional quit-rent due thereon, or to the collection and payment of sixty per cent. of such redemption moneys and such additional quit-rent, and of the commutation for future quit-rents, as the case may be, as the owners or proprietors of lands charged with quit-rents alone are authorised to do in and by the two last preceding sections of this act. Lands sold in 1815.

XVII. *And be it further enacted*, That the comptroller be and he is hereby authorised, in all cases where there shall be due any quit-rents to the people of this state, to settle and commute for such quit-rents, by receiving from any person or persons owning any lands subject to such rents, his or their equal proportion of the same, having regard to the quantity of land owned by such person or persons, and the proportion it shall bear to the quantity of land contained in the patent or patents wherein such quit-rents are reserved. Proportion to be received.

XVIII. *And be it further enacted*, That it shall be the duty of any person applying to the comptroller to settle and commute for any quit-rents by virtue of this act, to furnish the comptroller such evidence as he shall require, of the quantity of land contained in the patent wherein the quit-rent, proposed to be settled and commuted for, shall be reserved, and of the land owned by the person or persons so proposing to settle and commute for the same. Evidence to be furnished to the comptroller.

XIX. *And be it further enacted*, That it shall be lawful for the comptroller, at any time after the first day of May, in the year one thousand eight hundred and twenty, and it is hereby made his duty as soon thereafter as may be practicable, to advertise and sell the lands chargeable with quit-rents, in the manner and on the conditions following: he shall cause as many lists or statements of the lands and grants liable to be sold for arrears of quit-rents, to be printed as shall be sufficient to furnish each county clerk, each county treasurer, and each city chamberlain in the state with five copies, and each town clerk with three copies; and shall thereupon transmit, at the expense of this state, by mail, the said copies for the said county clerks and city chamberlains, to the said clerks and chamberlains respectively, and the said copies for the said county treasurers and town clerks, to the said county treasurers; and it is hereby made the duty of the said chamberlains and the said county clerks respectively, to retain the said copies of lists or To advertise in 1820.

statements in their offices respectively, and to permit all persons, at all reasonable hours, to examine the same free of expense ; and it is made the duty of the said county treasurers forthwith, on the receipt of said lists or statements, to transmit to the several town clerk's offices in their counties respectively, three copies thereof, and to retain in their offices respectively the remaining five copies ; and the said county treasurers respectively shall keep the said five copies of the said lists or statements in their offices, and permit all persons, at all reasonable hours, to examine the same free of expense ; and the said town clerks respectively shall affix one of the said lists at some public place in the town, and keep the others of the said lists in their offices, and permit all persons to examine the same as aforesaid, free of expense ; and the said county treasurers shall be entitled, for their services and expenses in the transmission or delivery of the said lists or statements to said town clerks, to fifty cents for each town clerk in their counties respectively, to be paid by the treasurer of this state, on the warrant of the comptroller, on the production of receipts from the town clerks, of the delivery to them of the said copies, or in case of the absence of any town clerk, then of proof that the said lists were left at the office or dwelling-house of such absent town clerk ; and the comptroller shall forthwith, after the transmission by mail as aforesaid of said lists or statements, cause to be published in the newspaper printed by the printer to this state, and in four other newspapers in each of the four great districts of this state, once a week for seventeen weeks successively, a notice that he will on a certain day, not less than twelve months from the date of his said notice, at the capitol in the city of Albany, proceed to sell so much of the lands and grants described in the said lists or statements, as shall be sufficient to pay the arrears of quit-rent to the last annual day of payment preceding the day of sale, together with the costs of notice and of sale ; and the comptroller shall on that day proceed to the selling as aforesaid, and shall continue such sale from day to day until the whole be sold, and shall give to the purchasers certificates of their purchases.

Lands may
be redeemed
in 2 years.

XX. *And be it further enacted*, That it shall be lawful for any one to redeem the land which shall be sold as aforesaid, at any time within the space of two years after the close of the sale, by paying into the treasury of this state, for the use of the purchaser of such land, on the certificate of the comptroller, the amount for which such land shall have been sold, with interest at the rate of twenty per centum per annum.

If not re-
deemed may
be sold.

XXI. *And be it further enacted*, That if any land or grant shall remain unredeemed for the space of two years after the sale thereof, it shall be the duty of the comptroller to convey the same to the purchaser, his heirs or assigns, subject however to all taxes then remaining due thereon, and the conveyance of the comptroller, under his hand and seal of office, and witnessed by the deputy comptroller, shall be conclusive evidence that the sale was regular, according to the provisions of this act ; and every such conveyance so to be executed by the comptroller, may be given in evidence, and be recorded in the same manner, and with the like ef-

fect, as a deed regularly acknowledged by the grantor before an officer authorised to take such acknowledgments, may be given in evidence and recorded : *Provided however,*

XXII. *And be it further enacted,* That in every case of sale and conveyance by the comptroller pursuant to this act, of lands which may at the time of conveyance be in the actual possession and occupancy of any person or persons, the person or persons to whom such land may be conveyed, or others holding under him or them, shall serve a written notice on the person or persons in the possession or occupancy, or leave such notice at his or their dwelling-house with one of the family, stating in substance the sale and conveyance, and to whom made, the amount of the consideration after adding fifty per cent. thereto, and stating also, that unless the said consideration, and the said fifty per cent. thereon, be paid into the treasury for the benefit of the purchaser, within six months from the time of the service of such notice, that the conveyance of the comptroller to the said purchaser will be absolute, and the occupant, and all others interested in the land, be for ever thereafter barred of all right or title to the same ; and the receipt of the treasurer, countersigned by the comptroller, for the said money, accompanied by a certificate of the comptroller, under his hand and the seal of his office, stating the payment, and shewing particularly what land such payment is intended to redeem, shall as effectually redeem the said land from the sale and conveyance, as if redeemed within two years after the sale ; and the said certificate shall and may be recorded in the same manner and with the like effect as a deed regularly acknowledged by the grantor before an officer authorised to take such acknowledgments ; and in every case of actual occupancy and possession as aforesaid, of land sold and conveyed pursuant to this act, it shall be necessary for the purchaser, or those holding under him, in order to complete his title to any such land; to shew, by due proof, that the said notice was duly given, and by a certificate from the comptroller, that the payment by this act required had not been made into the treasury.

XXIII. *And be it further enacted,* That it shall be lawful to redeem any undivided portion or part of lands which may be sold in pursuance of this act.

XXIV. *And be it further enacted,* That when the lands of any one person shall be sold, not only for quit-rent due on such person's land, but also for quit-rent due on the land of others, all the owners shall bear the loss sustained by such person, in proportion to the amount of quit-rent due by them respectively ; and the person whose land shall be so sold shall be entitled to recover his said damages in any court of competent jurisdiction within this state.

XXV. *And be it further enacted,* That on any sale to be made by the comptroller, where, in his opinion, the same is expedient, for arrears of quit-rent, it shall be lawful for him, in his discretion, to sell an undivided portion of the land on which the quit-rent is in arrear : *Provided always,* That no costs shall be allowed to the purchaser or purchasers at such sale, in any suit for partition of said lands which may be bought by him or them, nor to any other person or persons holding under any such purchaser or pur-

chasers, nor in any suit at law brought to recover possession of the same, unless the former owner of said land shall, after such partition, refuse to deliver possession thereof without suit.

Particular
lots included
in undivided
tracts.

XXVI. *And be it further enacted*, That if any person owning any particular lot, piece or parcel of land, within the bounds of the land of which an undivided part shall be so as aforesaid sold, shall within the time limited by law for the redemption of land sold, redeem so much of the land so sold as shall amount to a just proportion for him to redeem to discharge the lot, piece or parcel of land so owned by him, comparing the quantity owned by him with the whole quantity chargeable at the time of sale, the land of every such person shall be as effectually discharged from such sale as if he had paid the arrears on his particular lot, piece or parcel of land before the sale.

Notice to be
given of sale.

XXVII. *And be it further enacted*, That the comptroller shall, at least six months before the expiration of the time limited for the redemption of any lands which may be sold at any sale for quit-rents, cause an advertisement to be published at least once a week for six weeks successively, in at least four of the public newspapers printed in each of the four great districts of this state, in such form as he shall deem well calculated for the purpose, giving notice of such sale, and that unless the lands sold should be redeemed by a certain day they would be conveyed to the purchasers.

Expense of
printing to
be added.

XXVIII. *And be it further enacted*, That the comptroller shall add to the quit-rents the expense of printing the said lists or statements, and of their transmission to the counties and towns, and of publishing the said notices, and divide the same in the most equitable manner practicable, and charge and collect the same with the said quit-rents; and shall also, in case of sale, add the expenses of sale and conveyance.

Additional
clerks.

XXIX. *And be it further enacted*, That in case it shall be found necessary to open the quit-rent accounts in a new set of books, it shall be lawful for the comptroller to draw on the treasury for the necessary expense of clerks to perform that service.

Former act
repealed.

XXX. *And be it further enacted*, That the act, entitled "an act concerning quit-rents," and the several acts amending the same be, and the same are hereby severally repealed.

Money how
to be appro-
priated.

XXXI. *And be it further enacted*, That one moiety of all the quit-rents, and commutation for future quit-rents, which may be received into the treasury, shall be and the same are hereby appropriated to the increase of the literature fund; and the other moiety thereof to the further increase of the school fund; and it shall be the duty of the comptroller, from time to time, as the said quit-rents and commutations shall be received into the treasury, to invest the same in the stock of this state denominated the canal stock; the one moiety thereof in the name of the regents of the university, to be held in trust by them for the promotion of literature; and the other moiety thereof in the name of the comptroller of this state, for the time being, to be held in trust by him for the benefit of the school fund; and the trust shall be specified in each certificate.

XXXII. *And be it further enacted*, That it shall be the duty of the comptroller to invest in the said canal stock in manner aforesaid, the principal which may from time to time be received into the treasury on account of the lands belonging to the literature fund, or on account of the loans made of that fund. Invested in canal stock.

CHAP. CCXXIII.

AN ACT *relative to the Lands purchased by the State from the Indians.*

Passed April 13, 1819.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall be the duty of the commissioners of the land-office to direct the surveyor-general to cause actual surveys to be made of the Indian lands within this state, which have been purchased by this state, and have not been so surveyed into lots, in the manner directed by the act, entitled "an act concerning the commissioners of the land-office, and the sale of the unappropriated lands," and to sell the same according to the directions of the said act: *Provided always*, That nothing contained in the seventeenth section of the said act shall be construed to apply to the lands hereby directed to be sold: *And provided further*, That nothing herein contained shall be construed to extend to the lands purchased by the state from the St. Regis Indians.

CHAP. CCXXIV.

AN ACT *to amend an act, entitled "an act relative to the Lots appropriated for the support of the Gospel and Schools, on the twenty townships west of the Unadilla river, in the counties of Chenango, Madison and Oneida, and for other purposes," passed June 16th, 1812.*

Passed April 13, 1819.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the sales of the gospel and school lots belonging to the tenth and fifteenth townships in the county of Chenango, heretofore made by the agent or agents of said townships, under the act hereby amended, be and the same are hereby confirmed, and declared to be valid. School lots in township No. 10 & 15.

II. *And be it further enacted*, That on the day of the annual town meeting for the town of Norwich, the inhabitants of the fifteenth township, situated in the said town of Norwich shall, separate and apart from the inhabitants of the other part of the said town, elect an agent for said township, whose name and election shall be recorded by the town clerk in the book of town records for said town. Agent to be chosen in Norwich.

In Norwich
and New-
Berlin.

III. *And be it further enacted*, That the inhabitants of the tenth township, lying part in the town of Norwich and part in the town of New-Berlin, (until it shall be erected into a separate town) shall meet annually, on the first Tuesday in June, and elect an agent for said township, whose name and election shall likewise be recorded by the town clerk of the town of Norwich aforesaid; and the first meeting of said inhabitants shall be holden at the house of Timothy Hunt, on the said tenth township.

Duty of for-
mer agents.

IV. *And be it further enacted*, That it shall be the duty of former agents, chosen by the inhabitants of the town of Norwich, at their annual town meeting, to pay over to agents who shall be appointed by virtue of this act, all monies which have come into their hands from the sale of lots belonging to either of said townships, and that the said new agents shall have power, to loan the principal on security of bond and mortgage on real estate, in double the amount of the sum loaned, at an interest of seven per centum per annum, and apply the interest arising therefrom to the support of common schools, in such manner as the inhabitants of such township, assembled as aforesaid, or a majority of them, shall direct.

CHAP. CCXXV.

AN ACT to amend the act, entitled "*an act for the sale of certain unappropriated Lands in the county of Otsego*," passed April 12, 1816.

Passed April 13, 1819.

Occupants
allowed the
pre-emption.

I. *Be it enacted by the People of the State of New-York, re- presented in Senate and Assembly*, That the occupants of the unappropriated lands in the county of Otsego, lying on the south side of the tract of land granted by letters patent to Israel Spencer and others, shall, until the expiration of one year from the passing of this act, be entitled to the privileges granted by the first section of the act hereby amended.

Minimum
price may be
altered.

II. *And be it further enacted*, That whenever any lot of the unappropriated lands shall have been put up for sale by the surveyor-general, and no bid shall be received for the same, and no application be made for the purchase thereof, within a reasonable time, it shall be lawful for the commissioners of the land-office, if in their opinion such minimum price was fixed too high, to lessen the same, and direct the surveyor-general again to advertise and proceed with the sale thereof as directed by law.

Certain
lands may
be leased.

III. *And be it further enacted*, That it shall be lawful for the commissioners of the land-office, from time to time, to lease for terms not exceeding one year, and until the same can be disposed of as required by law, all such lands belonging to the state as have improvements on them, and which are not appropriated to any immediate use; and such leases shall contain proper convenants to guard against trespasses and waste.

IV. *And be it further enacted*, That the treasurer shall, on the warrant of the comptroller, pay to the commissioners of the land-office, the amount of such expenses as may be necessarily incurred by publishing notices and advertisements in executing the duties enjoined on them by law. Advertisements to be paid for.

CHAP. CCXXVI.

AN ACT declaring the Terms and Conditions of a Grant of Lands from the Holland Land Company for the use of the People of this State.

Passed April 13, 1810.

WHEREAS, in pursuance of the act entitled, "an act further Preamble. to provide for the improvement of the internal navigation of the state," the commissioners therein named did heretofore procure from Wilhem Willink, Nicholas Van Haphorst, Peter Van Eeghen, Hendrick Vollenhoven and Rutger Van Schimmelpennick, of the United Netherlands, composing the Holland Land Company, so called, and acting by their general agent, Paul Buste, Esquire, of the city of Philadelphia, a voluntary cession or conveyance, to the use of the people of this state, of two tracts of land situate in the county of Cattaraugus, containing together one hundred thousand six hundred and thirty-two acres, for the purpose of establishing a fund to be applied towards the opening of an inland navigation from Lake Erie to Hudson's river, as by reference to a certain indenture, under the hands and seals of the several grantors above named, bearing date the first day of March, in the year one thousand eight hundred and fourteen, may more at large appear: *And whereas* the said cession or conveyance was so made under an agreement and upon certain conditions to the effect following, that is to say: if the contemplated inland navigation between Lake Erie and Hudson's river should not be effectually completed, so as to afford a good water communication between the said lake and river, for boats of at least five tons burthen, by the nineteenth day of August, in the year one thousand eight hundred and forty-two; that in such case the said lands and premises, described in and granted by the said indenture, or so much and such parts of them as shall then remain unsold and undisposed of, shall thereupon revert to and become vested in the said grantors and the survivors or survivor of them, their or his heirs or assigns, in fee simple, according to the estate and interest, and with the same powers, rights and privileges which the said grantors had and held therein immediately before the date of the said indenture, and free from all taxes, charges and assessments whatsoever; and as to so much of the said lands as shall have been then sold, or for which contracts of sale shall then have been made by or under the authority of the people of this state, that the monies arising from or which may be due and unpaid upon such sale or contracts of sale, shall be accounted for and paid to them the said grantors, or the survivors or survivor of them, their or his heirs or assigns, by the people of

this state ; and as to so much of the said lands as shall then have been otherwise sold or disposed of, that the people of this state shall account to and satisfy the said grantors and the survivors and survivor of them, their or his heirs or assigns, for the same, according to their fair and actual value at the time of such sale or disposition thereof, so however that a sum not less than one dollar shall be allowed and paid for every acre of the said land which may in any manner be sold or disposed of as aforesaid.

Grant accepted.

I. *BE it therefore declared and enacted by the people of the State of New-York, represented in Senate and Assembly, That* the said cession or conveyance is accepted, subject to the agreement and conditions herein before recited ; and the faith of the people of the state of New-York is hereby pledged to the due fulfilment and performance of the same.

Lands remaining unsold in 1842 to revert to the Holland company.

II. *And be it further enacted, That* all the lands, tenements and hereditaments mentioned and described in the said indenture, and thereby granted, which shall remain unsold and undisposed of on the said nineteenth day of August, one thousand eight hundred and forty-two, shall, ipso facto, revert to and become vested in the said grantors and the survivors or survivor of them, their or his heirs or assigns, as of the estate and interest, and with the like rights, powers and privileges which they the said grantors had and held therein immediately before the date and execution of the said indenture, and free and discharged of and from all taxes, assessments and dispositions whatsoever, unless the contemplated inland navigation between Lake Erie and Hudson's river shall be by that day effectually completed in the manner herein before specified, any thing in the said indenture contained to the contrary notwithstanding.

CHAP. CCXXVII.

AN ACT authorising the Removal of certain Intruders from Grand Island, in the Niagara River.

Passed April 13, 1819.

WHEREAS it has been represented to the legislature, that a number of individuals, without claim or pretence of right, have lately seated themselves upon Grand Island, in the Niagara river, the Indian title to which has been recently extinguished by this state : *And whereas* the said intrusions on Grand Island are not only highly injurious to the interests of the people of this state, but are represented to have been made and continued in defiance of its authority, and under circumstances of violence and disregard to the laws, threatening the peace and good order of society, and requiring the special and summary interference of the legislature : Therefore,

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall be lawful for the person administering the government of this state, in his discretion, to direct the sheriff of the county of Niagara to remove

from Grand Island aforesaid all persons who have intruded upon and are trespassing on the same; and that it shall be and hereby is made the duty of the said sheriff to execute such order; and if in his discretion it shall be necessary to carry into complete effect the object of this act, he is further authorised to destroy all buildings which have been erected thereon by such intruders: *And further*, That in case resistance shall be made, or threatened, to the execution of the said order, it shall be lawful for the said sheriff to call to his aid the "power of the county," to the same extent, and in the same manner, as the law allows in cases of resistance to the writs of the people.

CHAP. CCXXVIII.

AN ACT to authorise the Owego and Ithica Turnpike Company to relinquish a part of their Road.

Passed April 13, 1819.

I. *BE it enacted by the people of the State of New-York*, One mile re-
represented in Senate and Assembly, That it shall be lawful for linquished.
the Owego and Ithica turnpike company to relinquish the thirty-first mile of the said road, the same being at the north end thereof.

II. *And be it further enacted*, That it shall be the duty of the To be dis-
commissioners of highways of the town of Ulysses to lay out that tricted in
part of the road so relinquished into such highway districts, or Ulysses.
annex the same to such other districts in the said town as they may think proper.

CHAP. CCXXIX.

AN ACT to divide the town of Middletown, in the county of Delaware.

Passed April 13, 1819.

I. *BE it enacted by the people of the State of New-York*, Town Andes
represented in Senate and Assembly, That from and after the created.
first Monday in March, in the year one thousand eight hundred and twenty, all that part of the town of Middletown, bounded as follows: beginning where the northeasterly line of great lot number nine, in the Hardenbergh patent, intersects the line between the counties of Delaware and Ulster; thence along the line of the said great lot to the Delaware river; thence up the same to the southeasterly corner of Gorham Jackson's farm; thence on a direct line to the southwesterly corner of lot number twenty-one, in the southwesterly half of great lot number thirty-nine, in the Hardenbergh patent; thence on a direct line to Matthew Van Heusen's farm, the northwesterly corner being lot number one hundred and eleven, in the southeasterly half of great lot number thirty-nine, in the Hardenbergh patent; thence on a direct line on the beighth of land

between Weaver's hollow and the Plattekill to the height of land between the Little Delaware and Plattekill to a beech tree, marked with a blaze and three hacks, and the letters A. A. G. & F. W. thence along a line lately surveyed for the purpose of forming a new town on the Little Delaware until it strikes the division line of Middletown and Delhi; thence along said line to the corners of Walton, Delhi and Colchester; thence along the division line between Colchester and Middletown to the place of beginning, shall be and is hereby declared a separate town, by the name of Andes; and the first town meeting shall be held in the Presbyterian meeting-house, in Trempersville, on the first Tuesday in March, in the year one thousand eight hundred and twenty, and on the same day annually thereafter.

Poor moneys,
&c. divided.

11. *And be it further enacted*, That as soon as may be after the first Tuesday in March, one thousand eight hundred and twenty, the supervisors, and overseers of the poor, of the towns of Middletown and Andes, shall, by notice to be given for that purpose by the supervisors of the towns of Middletown and Andes, to meet together and apportion the poor maintained by the said town previous to the division, and also to divide all money in the hands of the overseers of the poor in an equitable manner; and if the supervisors, and overseers of the poor, cannot agree upon such division, then the supervisors of the county, at their next meeting, shall apportion the poor and money belonging to the said town of Middletown between the said towns; and that each town shall for ever thereafter maintain its own poor.

CHAP. CCXXX.

AN ACT to repeal an act entitled, "an act for the Encouragement of Domestic Manufactures and Woollen Cloth."

Passed April 13, 1819.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the act entitled, "an act for the encouragement of domestic manufactures and woollen cloth," passed April 15, 1817, be and is hereby repealed.

CHAP. CCXXXI.

AN ACT for the relief of Gideon Hicks.

Passed April 13, 1819.

WHEREAS Gideon Hicks became bail for Horatio G. Hicks for the faithful execution of the duties of his office as collector of the town of Bristol, in the county of Ontario, who has absconded leaving a great portion of the taxes uncollected: Therefore,

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall be lawful for

the said Gideon Hicks, by and with the consent and approbation of the justices of the peace of the town of Bristol, in the county of Ontario, or any two of them, to appoint a collector of the said taxes ; which person, being so appointed, shall, from the time of such appointment, and until the first day of June, 1819, have and enjoy all the power and authority to collect all and every part of the taxes still due and unpaid for the year of our Lord one thousand eight hundred and eighteen, in the said town of Bristol, in the county of Ontario, as the said Horatio G. Hicks had, or any other collector of any town in this state can have or enjoy ; and that the said Gideon Hicks shall, on or before the said first day of June next, account and pay over the said monies, together with all accounts of taxes still due and unpaid, in the same manner that any other collector is bound to do ; and that the treasurer of the county of Ontario shall be authorised to receive the said returns in the same manner as if the said Horatio G. Hicks had made the same within the time prescribed by law.

CHAP. CCXXXII.

AN ACT in addition to the "act concerning the Courts of Common Pleas and General Sessions of the Peace in the several Counties of this State."

Passed April 13, 1819.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the several terms of the several courts of common pleas in this state may be continued and held from the commencement thereof, every day, excepting Sunday, until and including the second Saturday after the commencement of each term : *Provided*, That no process issuing out of the said court shall be tested and made returnable in the second week of any of the said terms.

CHAP. CCXXXIII.

AN ACT for the relief of Abraham Hallenbeck.

Passed April 13, 1819.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That if Abraham Hallenbeck shall give real security to the people of the state of New-York, to the satisfaction of the comptroller and attorney-general, for the amount of a certain judgment recovered in favor of the said people against the said Abraham Hallenbeck and Stoddard Smith, former commissioners of loans for the county of Greene, and Derick Spoor, their bail, in January term, one thousand eight hundred and eighteen, the said money to be payable in three annual instalments, with interest on the whole sum annually, that then,

and in such case, it shall be the duty of the comptroller to assign the said judgment to the said Abraham Hallenbeck, for his benefit and advantage; and that it shall at any time be lawful for the said Abraham, by attorney of his own appointing, to issue execution or executions upon the said judgment, in the name of the attorney-general, and on such execution to collect the amount due on the said judgment from the said Stoddard Smith only, and the money, when collected, to appropriate to his own use.

CHAP. CCXXXIV.

AN ACT *relative to the Court-House and Lands for the Public Buildings, in the County of Genesee.*

Passed April 13, 1819.

Certain lands
to be re-
conveyed to the
agent of the
Holland com-
pany.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly,* That as soon as the agent of certain land proprietors, in the county of Genesee, commonly known by the name of the Holland land company, shall execute and deliver to the clerk of the board of supervisors of the county of Genesee, a deed of certain lands, agreeable to certain propositions of said agent, filed in the clerk's office of said county, March fifth, one thousand eight hundred and nineteen, and recorded in the miscellaneous records of said county, the said clerk of the board of supervisors shall be and is hereby authorised and required in behalf of said board to execute and deliver to said agent, in conformity with said propositions, a deed of certain lands heretofore conveyed to the supervisors of said county; and also a mortgage for the sum of three thousand dollars, agreeable to the said propositions, which deed, if made to the said proprietors, shall as fully vest the title in them as though no conveyance had heretofore been made by the said proprietors.

Money to be
raised by tax.

II. *And be it further enacted,* That the board of supervisors of said county are hereby authorised and required to raise the sum of one thousand dollars annually, for three years, agreeable to the terms of said propositions, to pay for the hotel and triangular piece of land mentioned in said propositions; and that if the said company, or their agent, shall so elect, he or they may retain a sum of not exceeding one thousand dollars annually, of the money which may become due for taxes in Genesee county, in the years of our Lord one thousand eight hundred and twenty, one thousand eight hundred and twenty-one, and one thousand eight hundred and twenty-two, to pay the aforesaid mortgage, and a receipt to apply on said mortgage for a sum not exceeding one thousand dollars towards payment for said hotel and land, in each of the years last mentioned, from the said company, or their agent, shall be allowed as payment to the treasurer of the said county for the taxes of the said company, under the twentieth section of the act relative to the assessment and collection of taxes.

III. *And be it further enacted*, That the board of supervisors of said county shall be authorised and required to raise, at their next annual meeting, the sum of fifteen hundred dollars, as the other contingent charges of the county are raised, for the purpose of making the necessary alterations, and fitting up and repairing the said court-house and hotel for a court-house, jury rooms, jail-or's house and sheriff's office, for said county. Money to be raised for altering court-house, &c.

IV. *And be it further enacted*, That three commissioners be appointed by the judges of the court of common pleas of said county, or a majority of them, to receive and expend the said fifteen hundred dollars for the purposes aforesaid; which commissioners shall give satisfactory security to the said judges of the court of common pleas of the said county for the faithful discharge of their duties, and accounting with the treasurer of said county for the moneys by them expended according to the provisions of this act; and shall be entitled to the sum of two dollars per day each for every day necessarily employed in the duties of their appointment, to be raised as the other contingent charges of the county are raised. Commissioners.

CHAP. CCXXXV.

AN ACT relative to certain Improvements on the Fish Creek Indian Reservation.

Passed April 13, 1819.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall be the duty of the commissioners of the land office to cause to be appraised the value of the improvements on the six hundred and forty acres of land in the Fish creek reservation, which by a treaty with the Oneida Indians, certain Indian families, then residing thereon, were entitled to enjoy as long as they should continue thereon; and the person administering the government of this state shall cause the amount of such appraisement to be paid to such Indian families on their removal from said land, and the comptroller shall draw his warrant on the treasurer for the same; whereupon the commissioners of the land office shall dispose of said land in the manner directed by law for the sale of the unappropriated lands of this state.

CHAP. CCXXXVI.

AN ACT to amend the act entitled, "an act concerning Turn-pike Roads."

Passed April 13, 1819.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That whenever any part Certain roads how to be inspected.

of a turnpike road shall be out of repair, and the gate to which it has relation is placed in an adjoining county, it shall be the right and duty of the inspectors of the turnpike road, in the county where such gate is erected, upon due complaint, to inspect the part of the said turnpike so out of repair, and to take cognizance of such complaint, and proceed thereon in like manner as if the whole road to be inspected lay within the county where the gate is situate.

Penalty for neglect.

II. *And be it further enacted*, That if any commissioner shall neglect or refuse to perform the duties required of him by this act, or the act hereby amended, he shall forfeit and pay for each neglect or refusal the sum of twenty-five dollars, to be recovered, with costs of suit, in any court having cognizance thereof, the one half to the use of the person who shall prosecute for the same, and the other half for the use of the poor of the town in which such commissioner shall reside.

Duty of turnpike commissioners.

III. *And be it further enacted*, That it shall and may be lawful for the commissioners of turnpikes, appointed by virtue of the said act hereby amended, to have jurisdiction over all turnpikes in the county for which they are appointed, notwithstanding there may be in the law, incorporating any of the turnpikes in the county, a provision for inspecting the same; but which provision the president, directors and company of any turnpike thus provided for, refuse or neglect to have fulfilled by having proper persons appointed as inspectors, or if such inspectors so appointed, refuse or neglect to serve when called upon: And all acts of such general commissioners shall be as valid in law as if they were specially appointed to inspect any of the turnpikes not provided for by the above act hereby amended, until proper persons are appointed and agree to serve as inspectors; any thing in their charters to the contrary notwithstanding.

Gates how to be made.

IV. *And be it further enacted*, That from and after the first day of July next, it shall not be lawful for any turnpike to have any hoist gates, unless the same are suspended with a chain and weight equally balanced, so as to require manual force to raise or lower said gate; and any turnpike company refusing or neglecting to comply with this act, after said first day of July next, shall forfeit and pay to any person complaining of the same, the sum of five dollars for every twenty-four hours, until this act is complied with, to be recovered in the same manner as penalties are recovered against toll gatherers in the act hereby amended.

CHAP. CCXXXVII.

AN ACT further to amend "an act to incorporate Medical Societies, for the purpose of regulating the Practice of Physic and Surgery in this state."

Passed April 13, 1819.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful, for each medical society in this state, to cause to be raised

and collected from each practising physician or surgeon, residing in the county or counties where such society is by law established, a sum not exceeding one dollar in any one year; which sum when collected, shall be a part of the fund of said society, to be applied as directed by the seventeenth section of the act, entitled "an act to incorporate medical societies for the purpose of regulating the practice of physic and surgery in this state," passed April 10, 1813.

II. *And be it further enacted*, That no college of physicians and surgeons in this state, shall confer a diploma for the degree of doctor of medicine, upon any student, until such student shall have fully complied with the requisitions contained in the first section of the act, entitled "an act to amend an act to incorporate medical societies, for the purpose of regulating the practice of physic and surgery in this state," passed twentieth of April, 1818; and shall also in addition thereto, have attended one complete course of lectures, delivered by each of the professors of such college.

CHAP. CCXXXVIII.

AN ACT in aid of the Institution for the Instruction of the Deaf and Dumb.

Passed April 13, 1819.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the treasurer shall on the warrant of the comptroller, pay to the treasurer of the institution for the instruction of the deaf and dumb, in the city of New-York, the sum of ten thousand dollars: *Provided*, That no part of the moneys hereby granted, shall be applied for the purchase of land or the erection of buildings.

II. *And be it further enacted*, That it shall be the duty of the president and directors of the said institution, to report to the next legislature the amount of receipts and expenditures of the preceding year, the number of pupils received and discharged, the state of their improvement, as well moral as intellectual, the number and quality of teachers, and the general state and condition of the said institution.

CHAP. CCXXXIX.

AN ACT for the more speedy collection of Money arising from the rent and profits of Gospel and School Lots.

Passed April 13, 1819.

I. *BE it enacted by the people of the State of New-York, re-* Former commissioners may be prosecuted.
presented in Senate and Assembly, That it shall and may be lawful for the supervisor and commissioner of any town authorised to be chosen by the first section of the act, passed April fourth, one

thousand eight hundred and seven, entitled "an act relative to the lots of land reserved for the support of the gospel and schools, in the counties of Onondaga, Cayuga and Seneca," to commence and prosecute in and by the name and style of the commissioners of the public lot of the town to which they respectively belong, any suit against any of their predecessors in office, or against any other person or persons, to recover any debt, dues or demands, of right due to the supervisor and commissioner or commissioners, of such public lot; and no such suit shall abate by the death, resignation or removal from office of the said supervisor and commissioner, or either of them, but the same shall and may be prosecuted to judgment and execution by their successors in office.

Money how
to be apportioned.

II. *And be it further enacted*, That all moneys now due, or hereafter to become due, and which shall have come into the hands of the aforesaid commissioners of public lots, and have not been applied and paid over to religious societies, shall be apportioned among the several school districts in the several towns in the aforementioned counties, any thing in the acts heretofore passed to the contrary notwithstanding.

In Tompkins
county.

III. *And be it further enacted*, That the authority hereby given to the supervisor and commissioners aforesaid, be and are hereby given to the supervisors and commissioners of the public lots in the several towns in the county of Tompkins.

CHAP. CCXL.

AN ACT to amend the act, entitled "an act to incorporate the Sundry-Hill Bridge Company."

Passed April 13, 1819.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That from and after the first day of May next, it shall and may be lawful for the president and directors of the said company to demand and take from all persons passing said bridge, in lieu of the present toll, a toll not exceeding the following rates, to wit: For every four wheel pleasure carriage, drawn by four horses, fifty cents, by two horses, thirty-seven and a half cents; every curriclé, chair, chaise or sulkey, with one horse, eighteen cents, two horses, twenty-five cents; every waggon, with two horses, eighteen cents, and four cents for every additional horse; for every sled or sleigh, with two horses, twelve and a half cents, and four cents for every additional horse; for every ox waggon or cart, drawn by two oxen, eighteen cents, and nine cents for every additional yoke of oxen; for every one horse cart, waggon, sleigh or sled, twelve and a half cents; every man and horse, nine cents; every foot passenger, three cents; every horse, jack, or mule, four cents; cows and other neat cattle, three cents a head; sheep or hogs, fifteen cents a score, and in proportion for a greater or less number.

II. *And be it further enacted*, That the additional amount of

toll hereby granted, beyond what is now in the court-house in the hereby amended, shall continue for five years and hereby are created this act, and no longer, and that thereafter the tolls hereby are created continue. by the name of the Fort Style.

CHAP. CCXLI.

AN ACT for the relief Horace Brace.

Passed April 13, 1819.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for Horace Brace, or his assigns, to erect and build any salt house or salt works, on lot number twenty-four, during the time the said lot is, or shall be, leased to him, it being one of the fifteen acre lots, in the town of Salina, in the county of Onondaga, any law to the contrary notwithstanding : Provided, That such lot shall be liable and subject to all the conditions, exactions and restrictions, that are now, or hereafter may be, imposed upon any salt lot in the said town of Salina : And further, That all salt manufactured on the said lot, shall be liable and subject to all the duties, taxes and impositions, that are now, or hereafter may be, imposed, laid, or assessed upon any salt manufactured at the salt springs in the said town of Salina.

CHAP. CCXLII.

AN ACT for the relief of William Van Houten.

Passed April 13, 1819.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That William Van Houten, the occupant of lot number fifteen, in the Cayuga reservation, on the west side of the Cayuga lake, shall be entitled to all the benefits of the thirty-first section of the " act concerning the commissioners of the land-office and sale of unappropriated lands," if he shall comply with the conditions contained in the several provisos to the said section within three months after the passing of this act.

CHAP. CCXLIII.

AN ACT for the Pardon of Thomas Burke.

Passed April 13, 1819.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the person administering the government of this state, shall be and he is hereby authorised to pardon Thomas Burke, now in confinement, in the state prison for life.

thousand eight
lots of land
the com
pro

to be paid by the
to be paid by the
to be paid by the

occupants of Military Lands,
the people of this state.

Passed April 13, 1819.

people of the State of New-York,
Assembly, That in all cases where
have actually settled on and made im-
in the military tract, balloted to officers
ne line of this state, in the army of the
olutionary war, between Great Britain and
of a bona fide purchase by him or them
pear by the report of the attorney-general, or
ommissioners of the land-office to have escheated
to the state, and that all necessary proceedings have
been had to, act the title of the said people to the same, it shall
be the duty of the said commissioners, upon the application of such
possessor, to direct and cause to be ascertained the value of the
said lands in an uncultivated state, in the year one thousand eight
hundred, and add thereto the interest ; which value shall be ascer-
tained by three disinterested persons, to be appointed by the sur-
veyor-general, and on the occupant's paying into the treasury of
this state, (or securing the same by mortgage as is the case in
other lands,) the value of the land according to the appraisement
aforesaid, and the interest thereon. it shall be the duty of the com-
missioners of the land-office to cause letters patent to issue to said
occupants for the same.

II. *And be it further enacted*, That the balloting book filed in
the secretary's office, by the commissioners of the land-office, shall
be transcribed by the secretary of this state, and certified by him,
and such transcript shall be filed in the clerk's office of the county
of Cayuga, and shall be received as evidence in all courts, of the
matters therein contained, to the same extent as the original would
if produced.

CHAP. CCXLV.

AN ACT to incorporate the Fort George Turnpike Road Company.

Passed April 13, 1819.

I. *BE it enacted by the People of the State of New-York,
represented in Senate and Assembly*, That Samuel Payne, James
L. Thurman, Halsey Rogers, Micah Harris, John Bebee, Pelatiah
Richards, Mirum Beach, and Benjamin Hammond, and all other
persons who shall associate with them for the purpose of making
a good and sufficient turnpike road, beginning at the north end of
the bridge which crosses the Hudson river, at Glen's Falls, in the
town of Queensbury, and county of Warren ; and from thence by

the most direct and practicable route, to the court-house in the town of Caldwell, in said county; shall be and hereby are created a body corporate and politic, in fact and in name, by the name and style of the "President, directors and company of the Fort George turnpike road;" and by that name they and their successors shall and may have a continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes; and by the same name and style, shall be in law capable of purchasing, holding and conveying any estate, real and personal, for the use of the said corporation: *Provided*, That such estate, as well real as personal, to be purchased and held, shall be necessary to fulfil the intent of the said incorporation, and to no other purpose whatsoever.

II. *And be it further enacted*, That the stock of the said company hereby incorporated, shall consist of three hundred and twenty shares, of twenty-five dollars each; and that Samuel Payne, John Derby, and James L. Tharman, shall be and are hereby appointed commissioners to receive subscriptions for the said stock, in the manner directed in and by the act, entitled "an act relative to turnpike companies," passed 13th March, 1807.

III. *And be it further enacted*, That it shall be lawful for the said president and directors, hereafter to be chosen pursuant to the said act; entitled "an act relative to turnpike companies," to determine and fix on the route which shall be the most direct and practicable, from the different stations mentioned in the first section of this act; and that they shall make and complete the turnpike road hereby authorised, by laying out the same of the width of four rods, of which twenty-eight feet shall be by them formed with an even surface, and arched and covered with a hard substance, wherever it may be necessary, and with sufficient drains to carry the water from the same.

IV. *And be it further enacted*, That the said president and directors shall be entitled to erect on the said road one toll gate, within one mile of the centre of said road; at which gate the toll gatherer, to be appointed pursuant to the directions of the said act, entitled "an act relative to turnpike companies," may exact and receive the following tolls and duties from all and every person and persons using the said road, that is to say: for every waggon, drawn by two horses, mules or oxen, twelve and a half cents, and three cents for every additional horse, mule or ox; for every horse and rider, four cents; for every horse, led or driven, three cents; for every cart, drawn by one horse or mule, six cents; for every chair, sulkey, chaise, or other pleasure carriage, with one horse, twelve and a half cents; for every chariot, coach, coachee, phaeton, or other four wheel pleasure carriage, twenty-five cents; for every sleigh or sled, drawn by two horses, mules or oxen, eight cents, and so in proportion if drawn by a greater or less number of horses, mules or oxen; for every score of horses or cattle, twenty cents, and so in proportion for a greater or less number; for every score of sheep or hogs, eight cents, and so in proportion for a greater or less number; and for every stage

thousand eight hundred and seven, entitled "an act relative to the lots of land reserved for the support of the gospel and schools, in the counties of Onondaga, Cayuga and Seneca," to commence and prosecute in and by the name and style of the commissioners of the public lot of the town to which they respectively belong, any suit against any of their predecessors in office, or against any other person or persons, to recover any debt, dues or demands, of right due to the supervisor and commissioner or commissioners, of such public lot; and no such suit shall abate by the death, resignation or removal from office of the said supervisor and commissioner, or either of them, but the same shall and may be prosecuted to judgment and execution by their successors in office.

Moneys how
to be appor-
tioned.

II. *And be it further enacted*, That all moneys now due, or hereafter to become due, and which shall have come into the hands of the aforesaid commissioners of public lots, and have not been applied and paid over to religious societies, shall be apportioned among the several school districts in the several towns in the aforementioned counties, any thing in the acts heretofore passed to the contrary notwithstanding.

In Tompkins
county.

III. *And be it further enacted*, That the authority hereby given to the supervisor and commissioners aforesaid, be and are hereby given to the supervisors and commissioners of the public lots in the several towns in the county of Tompkins.

CHAP. CCXL.

AN ACT to amend the act, entitled "an act to incorporate the Sundry-Hill Bridge Company."

Passed April 13, 1819.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That from and after the first day of May next, it shall and may be lawful for the president and directors of the said company to demand and take from all persons passing said bridge, in lieu of the present toll, a toll not exceeding the following rates, to wit: For every four wheel pleasure carriage, drawn by four horses, fifty cents, by two horses, thirty-seven and a half cents; every curricl, chair, chaise or sulkey, with one horse, eighteen cents, two horses, twenty-five cents; every waggon, with two horses, eighteen cents, and four cents for every additional horse; for every sled or sleigh, with two horses, twelve and a half cents, and four cents for every additional horse; for every ox waggon or cart, drawn by two oxen, eighteen cents, and nine cents for every additional yoke of oxen; for every one horse cart, waggon, sleigh or sled, twelve and a half cents; every man and horse, nine cents; every foot passenger, three cents; every horse, jack, or mule, four cents; cows and other neat cattle, three cents a head; sheep or hogs, fifteen cents a score, and in proportion for a greater or less number.

II. *And be it further enacted*, That the additional amount of

toll hereby granted, beyond what is now prescribed by the act hereby amended, shall continue for five years from the passage of this act, and no longer, and that thereafter the tolls now allowed shall continue.

CHAP. CCXLI.

AN ACT for the relief Horace Brace.

Passed April 13, 1819.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for Horace Brace, or his assigns, to erect and build any salt house or salt works, on lot number twenty-four, during the time the said lot is, or shall be, leased to him, it being one of the fifteen acre lots, in the town of Salina, in the county of Onondaga, any law to the contrary notwithstanding : Provided, That such lot shall be liable and subject to all the conditions, exactions and restrictions, that are now, or hereafter may be, imposed upon any salt lot in the said town of Salina : And further, That all salt manufactured on the said lot, shall be liable and subject to all the duties, taxes and impositions, that are now, or hereafter may be, imposed, laid, or assessed upon any salt manufactured at the salt springs in the said town of Salina.

CHAP. CCXLII.

AN ACT for the relief of William Van Houten.

Passed April 13, 1819.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That William Van Houten, the occupant of lot number fifteen, in the Cayuga reservation, on the west side of the Cayuga lake, shall be entitled to all the benefits of the thirty-first section of the "act concerning the commissioners of the land-office and sale of unappropriated lands," if he shall comply with the conditions contained in the several provisos to the said section within three months after the passing of this act.

CHAP. CCXLIII.

AN ACT for the Pardon of Thomas Burke.

Passed April 13, 1819.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the person administering the government of this state, shall be and he is hereby authorised to pardon Thomas Burke, now in confinement, in the state prison for life.

CHAP. CCXLIV.

AN ACT for the relief of the occupants of Military Lands, which have escheated to the people of this state.

Passed April 13, 1819.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That in all cases where any person or persons shall have actually settled on and made improvements on any lands in the military tract, balloted to officers and soldiers serving in the line of this state, in the army of the United States, in the revolutionary war, between Great Britain and America, under color of a bona fide purchase by him or them made, which shall appear by the report of the attorney-general, or otherwise, to the commissioners of the land-office to have escheated to the people of this state, and that all necessary proceedings have been had to perfect the title of the said people to the same, it shall be the duty of the said commissioners, upon the application of such possessor, to direct and cause to be ascertained the value of the said lands in an uncultivated state, in the year one thousand eight hundred, and add thereto the interest ; which value shall be ascertained by three disinterested persons, to be appointed by the surveyor-general, and on the occupant's paying into the treasury of this state, (or securing the same by mortgage as is the case in other lands,) the value of the land according to the appraisement aforesaid, and the interest thereon. it shall be the duty of the commissioners of the land-office to cause letters patent to issue to said occupants for the same.

II. *And be it further enacted*, That the balloting book filed in the secretary's office, by the commissioners of the land-office, shall be transcribed by the secretary of this state, and certified by him, and such transcript shall be filed in the clerk's office of the county of Cayuga, and shall be received as evidence in all courts, of the matters therein contained, to the same extent as the original would if produced.

CHAP. CCXLV.

AN ACT to incorporate the Fort George Turnpike Road Company.

Passed April 13, 1819.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Samuel Payne, James L. Thurman, Halsey Rogers, Micah Harris. John Bebee, Pelatiah Richards, Mirum Beach, and Benjamin Hammond, and all other persons who shall associate with them for the purpose of making a good and sufficient turnpike road, beginning at the north end of the bridge which crosses the Hudson river, at Glen's Falls, in the town of Queensbury, and county of Warren ; and from thence by

the most direct and practicable route, to the court-house in the town of Caldwell, in said county ; shall be and hereby are created a body corporate and politic, in fact and in name, by the name and style of the " President, directors and company of the Fort George turnpike road ;" and by that name they and their successors shall and may have a continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes ; and by the same name and style, shall be in law capable of purchasing, holding and conveying any estate, real and personal, for the use of the said corporation : *Provided*, That such estate, as well real as personal, *Proviso.* to be purchased and held, shall be necessary to fulfil the intent of the said incorporation, and to no other purpose whatsoever.

II. *And be it further enacted*, That the stock of the said company hereby incorporated, shall consist of three hundred and twenty shares, of twenty-five dollars each ; and that Samuel Payne, John Derby, and James L. Thurman, shall be and are hereby appointed commissioners to receive subscriptions for the said stock, in the manner directed in and by the act, entitled " an act relative to turnpike companies," passed 13th March, 1807.

III. *And be it further enacted*, That it shall be lawful for the said president and directors, hereafter to be chosen pursuant to the said act, entitled " an act relative to turnpike companies," to determine and fix on the route which shall be the most direct and practicable, from the different stations mentioned in the first section of this act ; and that they shall make and complete the turnpike road hereby authorized, by laying out the same of the width of four rods, of which twenty-eight feet shall be by them formed with an even surface, and arched and covered with a hard substance, wherever it may be necessary, and with sufficient drains to carry the water from the same.

IV. *And be it further enacted*, That the said president and directors shall be entitled to erect on the said road one toll gate, within one mile of the centre of said road ; at which gate the toll gatherer, to be appointed pursuant to the directions of the said act, entitled " an act relative to turnpike companies," may exact and receive the following tolls and duties from all and every person and persons using the said road, that is to say : for every waggon, drawn by two horses, mules or oxen, twelve and a half cents, and three cents for every additional horse, mule or ox ; for every horse and rider, four cents ; for every horse, led or driven, three cents ; for every cart, drawn by one horse or mule, six cents ; for every chair, sulkey, chaise, or other pleasure carriage, with one horse, twelve and a half cents ; for every chariot, coach, coachee, phaeton, or other four wheel pleasure carriage, twenty-five cents ; for every sleigh or sled, drawn by two horses, mules or oxen, eight cents, and so in proportion if drawn by a greater or less number of horses, mules or oxen ; for every score of horses or cattle, twenty cents, and so in proportion for a greater or less number ; for every score of sheep or hogs, eight cents, and so in proportion for a greater or less number ; and for every stage

waggon, drawn by two horses, twelve and a half cents, and three cents for every additional horse attached to such stage waggon.

Directors.

V. *And be it further enacted*, That the number of directors for managing the concerns of the company hereby incorporated, shall be five, and three of them shall be a quorum, and capable of transacting the business of the said company : And that the said company shall have and enjoy all the rights, privileges, powers and immunities which are given and granted in and by the said act, entitled " an act relative to turnpike companies," and be subject and liable to all the conditions, provisions, restrictions and regulations contained in the said act, saving and excepting wherein the same are contrary to the provisions of this act.

CHAP. CCXLVI.

AN ACT to protect Banks against Embezzlements by their agents, clerks, or servants; and for other purposes.

Passed April 13, 1819.

Preamble.

WHEREAS banks are, in the course of their dealings and transactions, obliged to entrust their officers, agents, clerks, servants, and persons employed by them in such capacity, with receiving, paying, negotiating, exchanging or transferring money, goods, bonds, bills, notes, checks, banker's drafts, and other valuable effects and securities : *And whereas*, doubts have been entertained whether the embezzling of the same by such officer, agents, clerks, servants, and others so employed by them, amounts to felony by the laws of this state ; and it being expedient that such offences should be punished : Therefore,

Penalty for embezzling notes, &c.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That if any officer, agent, clerk, or servant, or any person employed in the capacity of an officer, agent, clerk, or servant to any bank, shall by virtue of such employment, take, secrete, embezzle, or make way with any money, goods, bonds, bills, checks, notes, banker's drafts, or other valuable security or effects whatsoever belonging to such bank, or to any person or persons having lodged or deposited the same in such bank, or with the said person as officer, agent, clerk, or servant of said bank, every such offender, and his, her or their adviser, procurer, aider, and abettor, shall be deemed and adjudged guilty of felony, and shall be punished by imprisonment in the state prison at hard labour for any term not exceeding fourteen years.

And for buying the same.

41. *And be it further enacted*, That if any person or persons shall buy or receive any money, goods, bond, bill, check, note, banker's draft, or other valuable security or effect whatsoever, that shall have been feloniously taken and embezzled as aforesaid, knowing the same to have been thus taken, he, she or they, upon being thereof lawfully convicted, shall be punished in the same manner, and to the same extent, as any person who shall be found guilty of the offence mentioned in the first section of this act.

III. *And be it further enacted*, That in any judgment which may hereafter be recovered in any court of record in this state, if it shall appear on the trial, and be certified by the presiding judge, that such recovery was for moneys or other effects received by the defendant or defendants from any officer, clerk or servant in any bank, and that such defendant knew, or had reason to believe, that such money or effects were paid or delivered to him by such officer, clerk, or servant, fraudulently, and without the knowledge or assent of the directors of the said bank, that then and in such case the said defendant or defendants, in case execution be issued on such judgment, shall not be entitled to the gaol liberties secured by the act, entitled "an act relative to gaols," passed the 6th of April, 1813, or by any other law of this state.

In cases of moneys received from clerks in a fraudulent manner.

IV. *And be it further enacted*, That every person who shall hereafter be a second time or oftener convicted of petit larceny, shall be adjudged by the court who may give judgment thereon, to imprisonment in the state prison, at hard labour, or in solitude, or both, for any time not exceeding five years.

On a second conviction for petit larceny.

CHAP. CCXLVII,

AN ACT to amend the act entitled, "an act to establish a Turnpike Road from the village of Waterford, through the town of Whitehall, to Westhoven," and for other purposes.

Passed April 13, 1819.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That upon the application of the president, directors and company of the Waterford and Whitehall turnpike to the person administering the government of this state, he shall and may appoint three commissioners, being disinterested freeholders, not residing in any town through which any part of said road shall run; and it shall be the duty of such commissioners to examine the road as already laid out under the act hereby amended betwixt the villages of Stillwater and Fort-Edward, and to change, alter and lay out such parts of said route as to them shall appear requisite by reason of the difficulties and expenses in making a permanent and good road within the survey heretofore made, so as to answer the object of the said corporation and secure the public interest; and shall cause a survey of the amendments to be made and filed in the clerks' offices of Saratoga and Washington counties; and said commissioners shall have all the powers, and receive the same compensation, as is given to them by the act hereby amended: *Provided*, That said commissioners, before they enter on the duties of their office, shall take and subscribe an oath or affirmation well and truly to perform the duties hereby enjoined, before a justice of the peace, or other proper authority.

Commissioners to examine the road.

II. *And be it further enacted*, That all the provisions of the seventh section of said act hereby amended shall be extended to

and become binding upon the said corporation in relation to the proceedings of the commissioners hereby authorized.

Hamilton &
Skanawatee
turnpike.

III. *And be it further enacted*, That it shall and may be lawful for the president and directors of the Hamilton and Skanawatee turnpike company to cause such mile stones or posts to be erected and maintained, one for each mile of said road, and on each stone or post shall be fairly and legibly inscribed or marked the distance the said stone or post is from Albany.

Tolls on
large teams.

IV. *And be it further enacted*, That it shall and may be lawful for the said president and directors to collect and receive the same amount of toll for large teams passing on said road as are taken by and allowed to the Third Great Western Turnpike Company.

CHAP. CCXLVIII.

AN ACT making an Appropriation to defray certain Expenses of the Commissary's Department, and for other purposes.

Passed April 13, 1819.

D \$,900 appli-
ed to commis-
sary's depart-
ment.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the treasurer, on the warrant of the comptroller, pay to the commissary-general of ordnance and military stores, from time to time, such sums as shall be required to defray the necessary expenses of his department for the year eighteen hundred and nineteen, not exceeding in the whole two thousand eight hundred dollars.

Assessment
on arsenal lot
N. York.

II. *And be it further enacted*, That the treasurer, on the warrant of the comptroller, pay to the corporation of the city of New-York, the sum of eight hundred and fifty-six dollars and fifty-four cents, the amount due of an assessment made on the arsenal lot, in said city, for regulating Collect-street.

Expense of
the funeral of
gen. Montgo-
mery.

III. *And be it further enacted*, That the treasurer, on the warrant of the comptroller, pay to his excellency De Witt Clinton, governor of this state, the sum of seventeen hundred and forty-four dollars; and to Solomon Van Rensselaer, adjutant-general of this state, fifty-one dollars and seventy-one cents, the balances due to them respectively on their accounts, as audited by the comptroller, of expenses incurred in the execution of the act entitled, "an act of honor to the memory of general Richard Montgomery."

WHEREAS the house of representatives of the United States, in the year 1814, passed a resolution to convene a board of officers to revise the system of infantry tactics, and a board of officers, appointed in obedience to said resolution, reported a revised system which has been ordered by the war department to be observed by the army of the United States: Therefore,

Gardner's
compend of
infantry tac-
tics.

IV. *Be it further enacted*, That the adjutant-general shall purchase and distribute of Gardner's compend of the said system, one bound volume to each general and field officer, and to each of the adjutant-general's staff of this state; and the comptroller shall draw

his warrant on the treasury for the expense: *Provided*, The cost shall not exceed one dollar and twenty-two cents a volume.

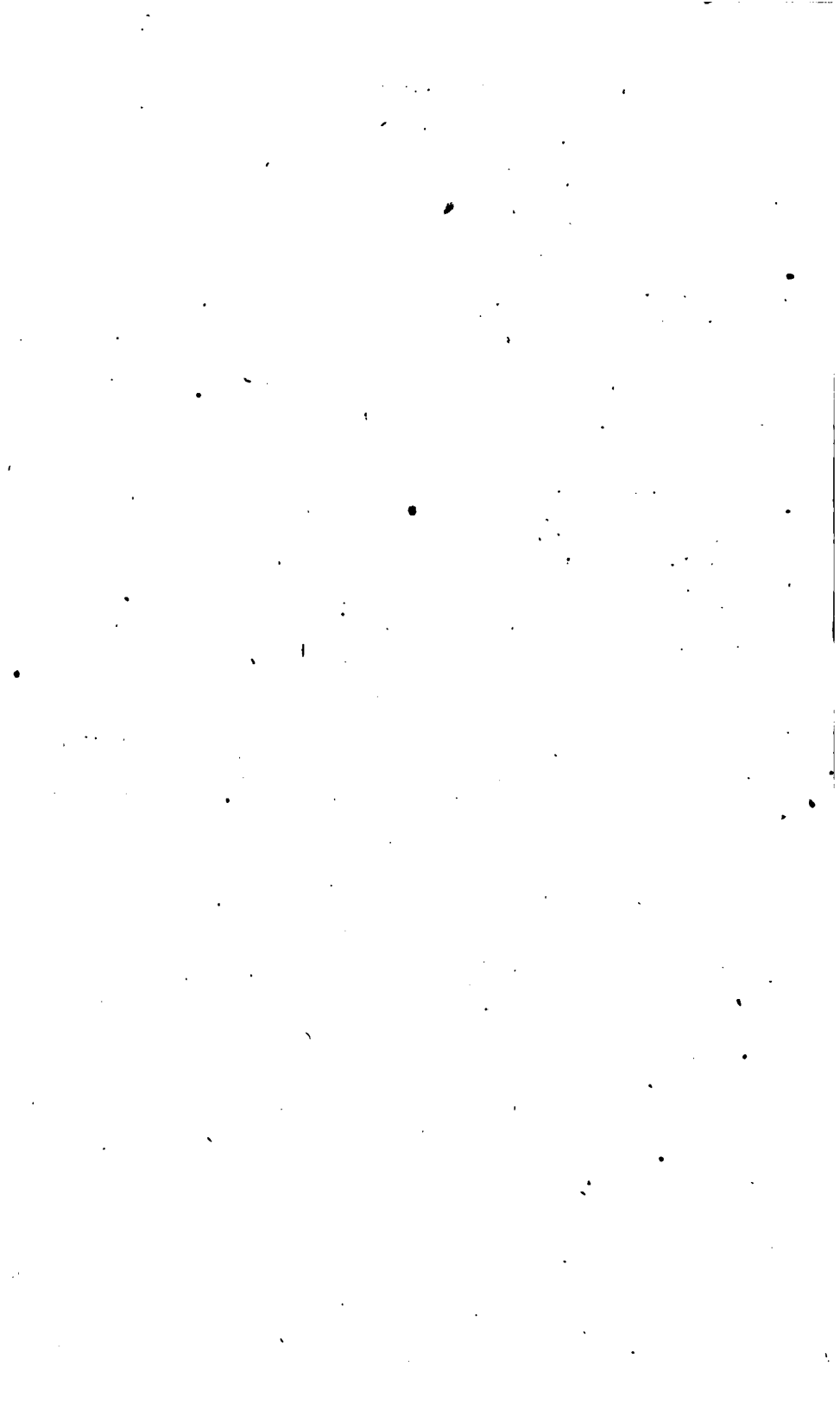
V. *And be it further enacted*, That the adjutant-general be and he is hereby directed to purchase one volume of the abridgment of Scott's exercise, published by Paraclete Potter, for each captain of the militia of this state, and distribute the same accordingly: *Provided*, That the expense of each volume shall not exceed sixty cents; and the comptroller is hereby directed to draw his warrant on the treasurer for the amount.

VI. *And be it further enacted*, That it shall be lawful for the comptroller, by and with the advice of the attorney-general, to release any portion of the defendants' property, subject to a judgment in favor of the people of the state of New-York, from all lien in consequence of such judgment, if they shall be satisfied that the same can be done without prejudice to the interest of the said people.

VII. *And be it further enacted*, That it shall be lawful for the treasurer, on the warrant of the comptroller, to pay, from time to time, such expenses as may be incurred for the subpoenaing of witnesses in causes in which the people of the state are concerned, and for their expenses in attending court.

VIII. *And be it further enacted*, That the purchase made by the comptroller, in the month of August last, on behalf of the people of this state, of all the title and interest of Isaac Hutton, in and to certain houses and lands at Mechanicville, in Saratoga county, and to certain machinery in the factories at Mechanicville aforesaid, under a sale made by the sheriff of said county on a judgment obtained in the supreme court of this state in favor of the state against the said Isaac Hutton, shall be and the same is hereby confirmed; and it shall be lawful for the comptroller to take the necessary conveyances from the said sheriff to the people of this state of the premises aforesaid.

IX. *And be it further enacted*, That the treasurer pay, on the warrant of the comptroller, to the person administering the government of this state, to defray the incidental expenses of administering the government, a sum not exceeding the sum of two hundred and fifty dollars, in addition to the sum now allowed by law: *Provided*, That he shall account with the comptroller for the expenditure of the money.



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NOTE.—Under the title *Corporations*, are placed all references to acts, or parts of acts, creating, reviving, or concerning, *Aqueducts, Banks, Churches, Colleges and Academies, Insurance and Manufacturing Companies, Religious and Benevolent Associations, Steam Boats, Turnpike Companies and Toll Bridges, Villages, and other Corporations*, except cities.

Under title *Fish*, all references concerning the Fishery in any of the waters of this state.

Under the title *Private Relief*, all acts for the relief of, or concerning, any private individuals.

Under *Roads*, all roads in any part of the state, except Turnpike Roads.

Under *Towns*, all acts erecting new Towns, or concerning old ones.

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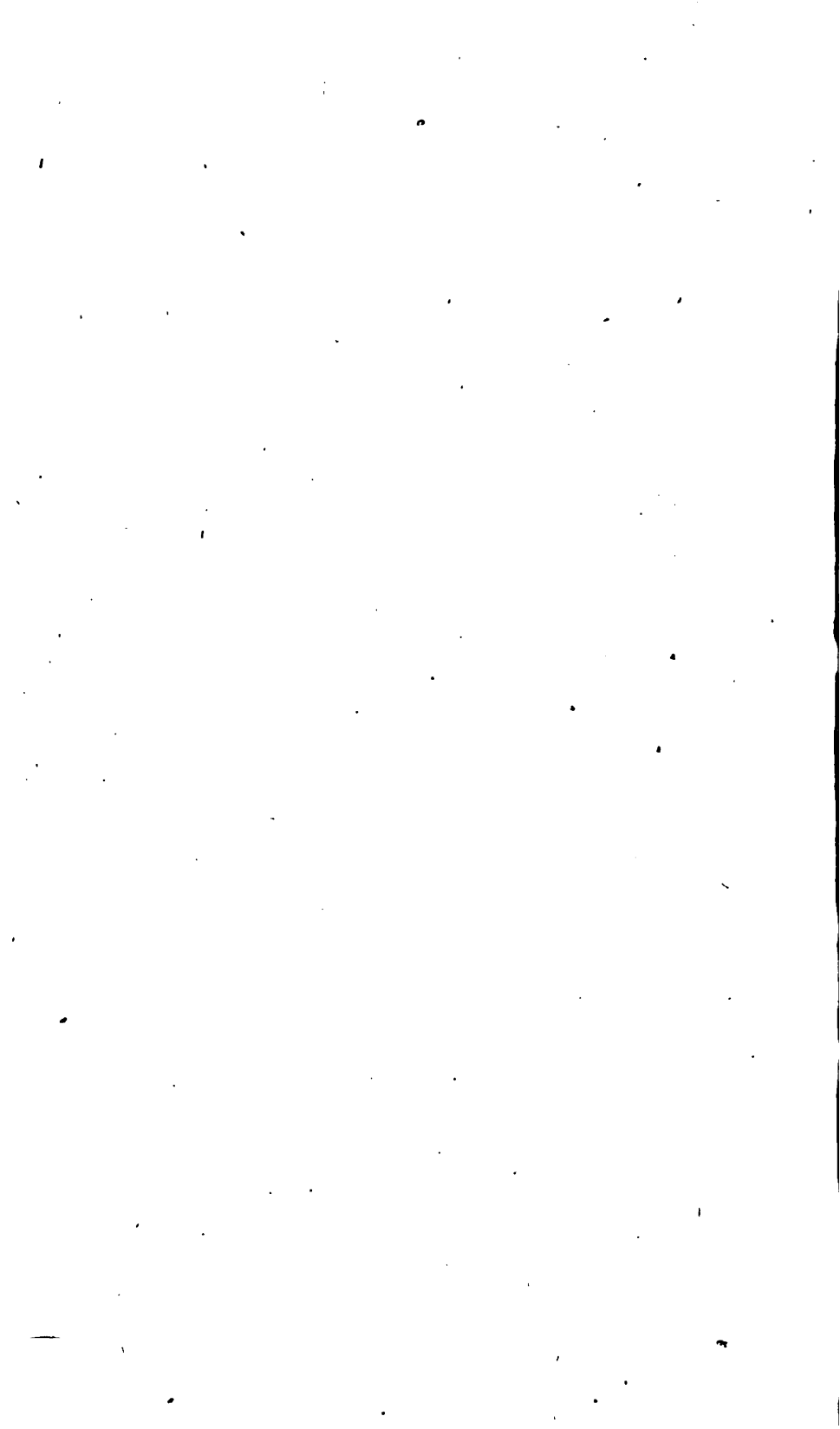
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L A W S
OF THE
STATE OF NEW-YORK,
PASSED AT THE
FORTY-THIRD SESSION
OF THE
LEGISLATURE,
BEGUN AND HELD AT THE CITY OF ALBANY,
The Fourth day of January, 1820.



ALBANY :
PRINTED BY J. BUEL, PRINTER TO THE STATE,
FOR W. GOULD & CO.

.....
1820.



L A W S

OF THE

STATE OF NEW-YORK,

PASSED THE FORTY-THIRD SESSION OF THE LEGISLATURE,
BEGUN AND HELD AT THE CITY OF ALBANY, THE
FOURTH DAY OF JANUARY, 1820.

CHAP. I.

AN ACT to amend an act, entitled "*an act to reduce several laws relating particularly to the city of New-York, into one act,*" so far as it relates to assistant justices.

Passed January 4, 1820.

WHEREAS the mayor, aldermen and commonalty of the city of New-York have, by their memorial to the legislature, prayed that the laws establishing courts of assistant justices in the said city, may be amended, and that the number of assistant justices may be reduced, and they allowed salaries, to be paid by the said the mayor, aldermen and commonalty, instead of fees, and also that the said law be amended in other respects, in the manner herein after provided for: Therefore,

Preamble.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That the person administering the government of this state for the time being, by and with the advice and consent of the council of appointment, shall appoint and commission suitable persons to be assistant justices of, in and for the following wards in the city of New-York, to wit: one for the first, second and third wards; one for the fourth and sixth wards; one for the fifth and eighth wards, and one for the seventh and tenth wards, to be known and distinguished by the name of assistant justices of the city of New-York: each of which said assistant justices respectively, are hereby authorised and required to hold a court for the trial of causes to the amount of fifty dollars and under, in all actions in which jurisdiction is given to the assistant justices of the city of New-York, in and by the act hereby amended: *And further,* That the said assistant justices respectively, shall be invested with all the jurisdiction, power, and authority, with respect to matters cognizable before them, with which the assistant justices of the city of New-York have heretofore been invested, and shall also be subject to the performance of all the duties imposed upon the said assistant justices: *And further,* That during the sickness or inability of either of the said justices to act, it shall and may be lawful for any other justice in the said city, to exercise every jurisdiction, notwithstanding any provision in this act contained.

Assistant justices to be appointed, and powers.

Rooms to be provided.

II. *And be it further enacted*, That it shall be the duty of the mayor, aldermen, and commonalty of the city of New-York, to provide suitable rooms for the accommodation of the courts to be held by the said assistant justices, and that they shall respectively be held within the wards for which the said assistant justices shall respectively be appointed, and at such places as the mayor, aldermen and commonalty of the city of New-York may from time to time provide for that purpose.

Jurors, how selected, and suits confined to the wards.

III. *And be it further enacted*, That the jurors who shall be nominated for the trial of actions before the said assistant justices, shall be selected out of the wards for which they shall respectively be appointed : *And further*, That all suits shall be commenced before the assistant justice of the wards in which either the plaintiff or defendant shall reside, except in suits brought by, or in behalf of the mayor, aldermen and commonalty of the city of New-York, or by, or against non-resident plaintiffs or defendants, which may be commenced and prosecuted before either of the said assistant justices : *And further*, That it shall not be lawful for either of the parties to any suit, before any assistant justices of the city of New-York, or before the justices of the justices court in and for the city and county of New-York, after the day in which an order has been made for an adjournment, to demand of the said court that such action be tried by jury.

Salaries to be paid.

IV. *And be it further enacted*, That the said assistant justices, instead of receiving for their own use the fees now allowed by law to the assistant justices of the city of New-York, shall each be paid a yearly salary of one thousand seven hundred and fifty dollars, in equal quarterly payments, by the mayor, aldermen and commonalty of the city of New-York, out of which the said assistant justices shall pay all the necessary expenses of their said courts, including fuel, the usual blank forms and stationary : *And further*, That all such fees as may accrue or become payable, shall be received for the use of the mayor, aldermen and commonalty of the city of New-York, in the manner herein after directed.

Clerk to each justice.

V. *And be it further enacted*, That each of the said assistant justices shall have a clerk, who shall be appointed and paid for his services by the mayor, aldermen and commonalty of the city of New-York, and shall be removable at their pleasure ; that each of the said clerks, before he shall enter upon the duties of his office, shall take an oath before the mayor of the said city, faithfully and honestly to discharge the duties of his office, and shall also enter into a bond, with one or more sufficient sureties, to the mayor, aldermen and commonalty of the city of New-York, in the penal sum of two thousand five hundred dollars, and conditioned that the said clerk shall well and faithfully discharge all the duties of his office, according to law.

Duty of clerk, process how signed, &c.

VI. *And be it further enacted*, That the said clerks shall make out and sign all process, and cause to be entered in proper books to be kept for that purpose, a docket or register of the returns of the same, and also proper entries of all the proceedings before the assistant justices to whom they shall respectively be appointed clerk, and shall also collect and receive for the use of the mayor, aldermen and commonalty of the city of New-York, all costs of suits and fines which may be imposed by the said assistant justices

respectively, and exhibit an account of the same monthly to the comptroller of the said city, which account shall state the title of each suit which shall have been commenced in the said court, in which any fees shall have been received, during the preceding month, and the amount of the fees which shall have been received in the same respectively, without specifying the particular items, and also the fines which shall have been received, and by whom paid, which account shall be verified by the oath of the clerk, and the amount of the monies so received, shall be forthwith paid over by him to the chamberlain of the said city: *And further*, That before any such account shall be delivered to the comptroller, it shall be exhibited by the clerk to the assistant justice in whose court such fees and fines were collected, and it shall be the duty of such assistant justice to examine such accounts, and compare the same with the registers and minutes of his court, and to certify whether the same appears to him to be correct or not.

VII. *And be it further enacted*, That the fees of the assistant justices shall be paid by the parties for whom the respective services are rendered at the time of rendering the same. Fees, by whom paid.

VIII. *And be it further enacted*, That so much of the one hundred and thirty fifth section of the act hereby amended, as provides for the appointment of one proper person in and for each of the respective wards of the city of New-York; to be known and distinguished by the name of assistant justices of the city of New-York, he and the same is hereby repealed, excepting so far as relates to the ninth ward of the said city: *Provided always*, That the several persons now holding the said offices, shall be authorized to complete all business commenced before them, in the same manner they would have been if this act had not passed. A certain section repealed.

IX. *And be it further enacted*, That it shall not be lawful for more than thirty of the marshals of the said city to serve process issuing out of the court of any assistant justice of the city of New-York, or out of the justices court in and for the city and county of New-York, and that it shall not be lawful for any marshal to serve any such process until he shall have been commissioned to serve process issuing out of the said courts by the mayor of the said city under his hand and seal. Marshals.

X. *And be it further enacted*, That the said assistant justices to be appointed by virtue of this act, shall respectively have and exercise the powers of justices of the peace. Further powers of assistant justices.

XI. *And be it further enacted*, That the fees, which shall be paid to the assistant justices, in all cases when more than twenty-five dollars is recovered, shall be the same as are paid to the justices of the justices' court of the said city in like cases. Fees regulated.

XII. *And be it further enacted*, That such parts of the several acts of the legislature of this state, which shall relate to the assistant justices in and for the said city of New-York, as are not otherwise provided for by this act, shall have the same force and effect, to all intents and purposes, which they would have had provided the provisions of this act had been incorporated with, and made part of the act hereby amended, at the time the same was passed. Other laws, &c. declared in force.

CHAP. II.

AN ACT *to provide for the election of a Senator to represent this State in the Senate of the United States.*

Passed January 7, 1820.

5th Jan. sen-
ator to be
chosen.]

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the Senate and Assembly of this state shall, on the eighth day of January instant, proceed to the choice of a senator to represent this state in the senate of the United States, in the place of Rufus King, whose term of service has expired, and that such choice shall be made in the manner prescribed in and by the act, entitled "An act prescribing the times, places and manner of holding elections for senators to represent this state in the senate of the congress of the United States of America," passed 20th March, 1801.

CHAP. III.

AN ACT *relating to the assistant justices of the city of New-York.*

Passed January 11, 1820.

Certain pro-
ceedings va-
lid.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That notwithstanding any thing contained in "An act to amend an act, entitled "An act to reduce several laws relating particularly to the city of New-York into one act, so far as it relates to assistant justices," passed January 4th, 1820, the process and proceedings of the assistant justices in and for the said city of New-York, and of the officers of the said courts, shall be deemed legal and valid, to all intents and purposes, whether the same shall have been commenced or continued since the passage of the said act, as if the said act had not been passed, until the first day of February next: And further, That no marshal, from and after the said first day of February, shall serve process issuing out of the marine court of the city of New-York, unless he is one of the commissioned number described in the ninth section of the act hereby amended.

Marshals
serving pro-
cess, &c.

CHAP. IV.

AN ACT *to enable the Trustees of the State Library to carry into effect a resolution of the Senate and Assembly, authorising them to purchase one of Theodore Newell's astronomical machines.*

Passed January 14, 1820.

1000 dollars
payable to T.
Newell.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the comptroller draw his warrant on the treasury, for one thousand dollars, in favor of

the trustees of the state library, to enable them to carry into effect a concurrent resolution of the last session, authorizing them to purchase of Theodore Newell, one of his newly invented astronomical machines.

CHAP. V.

AN ACT to amend an act to divide the town of Saratoga, in the county of Saratoga.

Passed January 21, 1820.

BE it enacted by the People of the State of New-York, re-
presented in Senate and Assembly, That the first town-meeting
to be held in and for the town of Saratoga, in the county of Sar- First town-
meeting
where held.
atoga, be held at the Baptist Church, in said town; and that so
much of the act hereby amended, as is inconsistent herewith be,
and the same is hereby repealed.

CHAP. VI.

AN ACT authorising a donation of a copy of the laws of the
state, for the use of the Athenæum of Philadelphia, and of
the town of Boston.

Passed January 21, 1820.

BE it enacted by the People of the State of New-York, re-
presented in Senate and Assembly. That the secretary of state
be, and he is hereby authorised, to cause to be delivered, to the
Athenæum of the city of Philadelphia, and of the town of Boston,
or to such person in their behalf, as they shall name, a copy of
the laws of this state, heretofore passed; and that the secretary
of state may hereafter deliver to the directors, aforesaid, a copy
of the laws, to be hereafter passed, at each succeeding session of
the legislature. Donations to
the Athenæ-
um at Phila-
delphia and
Boston.

CHAP. VII.

AN ACT to alter the time of holding town meetings, in the towns
therein mentioned.

Passed January 21, 1820.

BE it enacted by the People of the State of New-York, re-
presented in Senate and Assembly, That from and after the pass-
ing of this act, the annual town meetings in the towns of Harm-
ony, in the county of Chautauque, and Ischua, in the county of
Catteraugus, and Bethany, in the county of Genesee, shall be held
on the first Tuesday of March, annually; and that all such town
officers, whose duty it is to meet on the last Tuesday in March,
shall meet on the last Tuesday in February, in every year, to do
Town-meet-
ing in Har-
mony, Ischua,
and Bethany.

and transact such business as to their respective offices may appertain.

CHAP. VIII,

AN ACT to alter the time of holding the October Term, of the Court of Common Pleas and General Sessions of the Peace, in and for the county of Oswego.

Passed January 21, 1820.

Court on 3d
Tuesday of
Sept. annual-
ly.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the courts of common pleas and general sessions of the peace, in and for the county of Oswego, shall hereafter be holden on the third Tuesday of September, in every year, instead of the first Tuesday of October.

CHAP. IX.

AN ACT to enable the Wardens and Vestry of Saint Peter's Church, in the village of Waterville, and town of Stamford, to sell and convey real estate.

Passed January 21, 1820.

Preamble. WHEREAS the wardens and vestry of Saint Peter's church, situate in the village of Waterville, town of Stamford, and county of Delaware, have, by their petition, represented that they own, and are in possession of certain lands and tenements, situate in said county of Delaware, and that the interest of said church might be promoted by a sale thereof, which they are not empowered to make: Therefore,

Power to sell certain estate *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That it shall and may be lawful for the wardens and vestry of Saint Peter's church, to sell and dispose of, and convey, in fee simple, all lands and tenements, which have, or may come to their possession, except the lot of land, situated on Pine-hill, so called, in the said village of Waterville, on which the building of the church is erected; and to loan the amount of the consideration money, which they may from time to time receive therefor; or vest the same in public stock, as they

Proviso. shall deem most advantageous to the said church: *Provided always,* That it shall not be lawful for the said wardens and vestry, to expend the principal sum or sums, or any part thereof, which may arise from such sales.

CHAP. X.

AN ACT supplementary to an act, entitled "an act authorising the Supervisors of the county of Ulster, to raise a sum of money, for the purposes therein mentioned. Passed April 3, 1818," and for other purposes.

Passed January 21, 1820.

WHEREAS it has been represented to the legislature, by the Preamble. commissioners appointed to superintend the building of the bridge over the Esopus Creek, near the village of Kingston, in the county of Ulster, that the sums of money heretofore raised by the said supervisors, and received by the said commissioners, in pursuance with, and by virtue of the said act, have not been sufficient to defray the expenses of building said bridge; and that the further sum of one thousand two hundred dollars, will be necessary for defraying the expenses thereof: Therefore,

I. *BE it enacted by the People of the State of New-York,* 1200 dollars to be raised. That the supervisors of the county of Ulster, at their next annual meeting, cause to be assessed, levied and collected the further sum of one thousand two hundred dollars, in all respects in the same manner, as they are required to assess, levy and collect the sum of two thousand dollars, in and by the act aforesaid, and that the collector pay the said sum of money to the said commissioners, or either of them, and that the said commissioners account for the said sum of money, as they are required to account in and by the said act.

II. *And be it further enacted,* That if any person or persons, Penalties, &c. for injuring bridge. shall wilfully, do or cause to be done, any illegal act whatsoever, whereby the said bridge, or any thing appertaining thereto, shall be impaired, weakened or injured; every person so offending, shall forfeit and pay, treble the amount of damages, sustained by means of such offence or injury, to be recovered with costs of suit; and if any drover of cattle, or other person, shall drive over the said bridge, at the same time, any number of cattle or horses, exceeding fifteen, such person, or drover, so offending, shall forfeit and pay the sum of ten dollars, for every such offence; and if any person shall drive or ride over said bridge, faster than a walk, every person so offending, shall forfeit and pay the sum of one dollar for every such offence, which fines and forfeitures shall be recovered, with costs of suit, in an action of debt, before any court, having cognizance thereof, to be sued for, and recovered by, the overseer of the Kingston bridge, hereinafter directed to be chosen, to be by him applied to, and for the use and benefit of the said bridge.

III. *And be it further enacted,* That the freeholders and inhabitants of the said town of Kingston, shall, at their next annual town meeting, and at every annual town meeting thereafter, choose in the same manner as other town officers are by law directed to be chosen, some suitable person, being a freeholder, and inhabitant of said town, to be the overseer of the Kingston bridge, whose duty it shall be to have the general care and superintendence of said bridge, to make the necessary repairs thereto, Overseer to be chosen, & when & how. His duty.

at the expense of said town, and to sue for all penalties created by this act, and who shall, in all respects, be subject to the like liabilities and penalties as are imposed upon overseers of highways.

Certain notices to be affixed.

IV. *And be it further enacted*, That it shall be the duty of the overseer of Kingston bridge, first elected, to cause to be affixed, and the duty of him and his successors, to cause to be kept up, and continued, at each end of the said bridge, a conspicuous notice, or memorandum of the offences and penalties created by the second section of this act : and no such fine or penalty shall be recovered, except upon satisfactory proof of the existence of such notice or memorandum, at the time of the committing of such offence.

Arme Bowerie fences.

V. *And be it further enacted*, That from and after the first day of November next, the circular fences around a certain tract of land, in said town of Kingston, called the Arme Bowerie, which tract is situated in the angle formed by the junction of the Albany and Flatbush roads, shall be, and they are hereby abolished, and all acts in relation to the same, and all town orders, made in pursuance of those acts, shall be, and they are hereby declared to be repealed from and after that day : And each proprietor of a lot, within the said circular fences, shall be entitled to the fences which have heretofore been made for such proprietor of such lot.

Certain tract subject to the general laws.

VI. *And be it further enacted*, That from and after that day, the said tract of land shall be subject to the general laws, now in force, in relation to the enclosing of lands within this state.

CHAP. XI.

AN ACT to enable the Corporation of the first Baptist Church in the city of New-York, to sell and convey the land therein described.

Passed January 21, 1820.

Preamble.

WHEREAS the said corporation, by memorial have represented, that they purchased several pieces of land, in fee simple, for the purpose of a burying ground, in the tenth ward of the city of New-York, within the block or square, bounded by North-street, the second avenue, First-street, and the first avenue : That they have laid out the said burying ground, but that there is a surplus of land, beyond what is comprehended within the said burying ground, or necessary therefor, and which they are desirous to sell and convey : Therefore,

Power to sell certain estate

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful, to and for the corporation of the first Baptist church, in the city of New-York, to grant, bargain, sell, alien and convey, in fee simple, such of their land, within the block or square above described, and not comprehended within their burying ground, as in their judgment may be expedient, together, or in such parts, lots or divisions, as they shall deem proper.

CHAP. XII.

AN ACT concerning certain Taxes, in the town of Granby.

Passed January 21, 1820.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the supervisors of the county of Oswego be, and they are hereby authorised to include in their warrant to the collector of the town of Granby, in said county, for the current year, the taxes on the lands of non-resident proprietors, in said town, which were committed to Samuel Fairbanks, late collector of taxes for said town, for the year ending on the first day of March, one thousand eight hundred and nineteen: *Provided,* That nothing in this act contained, or the proceedings to be had under it, shall be construed to release the said Samuel Fairbanks, or his bail, from any liabilities which they may be under, to account for the payment of any portion of such taxes as have been, or may hereafter be received by said Samuel Fairbanks, collector, as aforesaid.

Taxes to have been collected by S. Fairbanks, how collected.

Provide.

CHAP. XIII.

AN ACT to amend the act, entitled "an act to encourage the destruction of Wolves." Passed April 7, 1815.

Passed January 28, 1820.

I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the supervisors of each county of this state, shall and may, in their discretion, allow such bounty as they shall think proper, for the destruction of wolves: And that whenever any bounty shall be thus allowed, there shall be paid out of the treasury of this state, an equal bounty, to be ascertained, and allowed by the comptroller, in the manner specified in the act, entitled "an act to encourage the destruction of wolves;" and that so much of the said act as is inconsistent herewith, be, and the same is hereby repealed: *Provided,* That no bounty to be so allowed, by any board of supervisors, shall exceed the sum of twenty dollars for each wolf; and seven dollars and fifty cents, for each wolf's whelp: *And provided further,* That this act shall not take effect in the respective counties, until the next annual meeting of the board of supervisors of the county, and that at each annual meeting of the board, the amount of bounty shall be fixed, for the year next ensuing.

Bounty on Wolves, how regulated.

Duty of comptroller.

Provide.

Further proviso.

II. And be it further enacted, That whenever any bounty shall be allowed, by any board of supervisors as aforesaid, it shall be the duty of such board to certify to the comptroller, the amount of such bounty.

Duty of supervisors.

CHAP. XIV.

AN ACT *for the relief of the devisees of Joseph Watkins, deceased.*

Passed January 28, 1820.

Preamble.

WHEREAS Joseph S. Watkins, John S. Watkins, and George Wragg, executors of the last will and testament of Joseph Watkins, late of the city of New-York, Esquire, deceased, and the said Joseph S. Watkins, and John S. Watkins, and William S. Watkins, George S. Watkins, Charles S. Watkins, Frances Susannah Watkins, late Bostwick, Joseph Nelson, and Elizabeth his wife, William Gosman, and Harriet his wife, Sarah Watkins, and Ann Watkins, which said Joseph S. Watkins, John S. Watkins, William S. Watkins, George S. Watkins, Charles S. Watkins, Frances Susannah Watkins, late Bostwick, Elizabeth Nelson, Harriet Gosman, Sarah Watkins, and Ann Watkins, are the only surviving children, and heirs of the said Joseph Watkins, deceased, and the said John S. Watkins, as guardian of the said George S. Watkins and Charles S. Watkins, who are infants, and Elizabeth Watkins, as guardian of the said Sarah Watkins, and Ann Watkins, who are also infants, have presented their petition to the legislature, subscribed by all of them : The said petition, representing in substance, that the said Joseph Watkins, in and by his last will and testament, by him duly made and published, and executed in such manner as to pass real estate, after making certain bequests to his wife, the above named Elizabeth Watkins, in lieu of her dower, in his estate, and after divers other specific and pecuniary bequests, did direct, that as soon as conveniently might be, after his decease, all the rest and residue of his estate, both real and personal, should be fairly valued and appraised, in such manner as is for that purpose particularly stated in his will, and did therein order and direct his executors, as soon as conveniently might be, after his decease, to put out at interest, at six or seven per cent. per annum, upon sufficient land security, a sum of money equal, and amounting to one eighteenth part of the sum at which the said residue of his said estate should be so valued and appraised, for each of his daughters, that is to say, the above named Frances Susannah Watkins, (then Bostwick,) Elizabeth Nelson, Harriet Gosman, (then Watkins,) Sarah Watkins, and Ann Watkins, and Amelia Watkins, the interest of which sum was to be paid to each of them, respectively, during their respective natural lives, in half yearly payments, and the principal to the lawful heirs of each, upon their decease, respectively, and that the said testator charged his real estate with the payment of these and the other peculiar legacies ; and further representing, that the said testator, in and by his said will, did give, devise, and bequeath to his sons, that is to say, the above named Joseph S. Watkins, John S. Watkins, William S. Watkins, George S. Watkins, and Charles S. Watkins, and James S. Watkins, and to their several and respective heirs and assigns forever, in fee simple, two certain pieces or parcels of ground, with the improvements thereon erected and made, situated in the eighth ward of the city of New-York ; the

one bounded easterly on Greenwich-street, southerly on Spring-street, westerly on Washington-street, and northerly on ground then, or late of Arthur Smith; the other bounded easterly on Washington-street, southerly on Spring-street, westerly on West-street, and northerly on ground then, or late of the said Arthur Smith, equally to be divided among his said sons, share and share alike, within two years, next after the decease of his wife: *Provided*, his youngest surviving child should then be of the age of twenty-one years, and in case his youngest surviving child should not then be of that age, then the said two pieces or parcels of ground and premises should be equally divided among his said sons, when his youngest surviving child should attain the age of twenty-one years: And further representing, that the said testator, by his said will, devised the rest of his estate, real and personal, to his said six sons, and to their several and respective heirs, executors, administrators and assigns, forever, equally to be divided between them; that the testator appointed the said Joseph S. Watkins, John S. Watkins, and George Wragg, the executors of his said will, and empowered them to sell his real estate, except the two above mentioned pieces or parcels of ground, and a certain house and lot of ground in Spring-street, devised to his wife and daughters; and further representing, that the above named Amelia Watkins died in the life time of the testator; and that the above named James S. Watkins, hath departed this life since the death of the testator; and that both the said James and Amelia, died intestate, and without issue: And further representing, that all the petitioners are of full age, except George S. Watkins, Charles S. Watkins, Sarah Watkins, and Ann Watkins; that the above named John S. Watkins, hath been duly appointed by the surrogate of the city and county of New-York, the guardian of the said George and Charles; and that the above named Elizabeth Watkins, hath been duly appointed, by the said surrogate, the guardian of the said Sarah and Ann; and further representing, that the said estate of the said testator, hath been valued and appraised in the manner directed by the said will; and that the said executors are utterly unable to comply with the directions of the said will, in relation to the investing the five sums of money, for the surviving daughters of the said testator, as they have disbursed all, or nearly all the monies which have come to their hands, as executors, in the payment of the debts, and funeral expenses of the testator, of part of the legacies and annuities given by the will, and of the share devised to Amelia, the daughter of the testator, (whose share having lapsed, by her death, during the life time of the testator, it was agreed, among all the petitioners, that her said share should be divided among the mother and the surviving brothers and sisters,) and that although there are debts due to the estate of the testator uncollected, and some property, still undisposed of, which the executors are authorised to sell; yet that the debts and legacies, due from the said estate, independent of the said sums to be invested for the daughters of the testator, exceed the probable amount of such uncollected debts, and unsold property: and further representing, that the petitioner, Frances Susannah Watkins, late Bostwick, did, on the sixteenth day of August last, obtain an order from the honorable court of chancery, of this state, requiring

the above named Joseph S. Watkins, and John S. Watkins, as acting executors of the said will, to pay to her the sum of two hundred dollars, out of the principal and interest of her eighteenth part of the said estate; and that she hath lately obtained a further order of the said court, requiring the said executors to make much larger advances to her, out of her said share; and that the said executors have complied with the first mentioned order, but are unable to comply with the other, according to the provisions of the will of their testator: Wherefore the said petitioners, by their said petition, pray, as the provisions of the said will cannot be carried into effect, that the said executors may be authorised, by an act of the legislature, to sell that portion of the property, devised to the sons of the testator, which lies between Greenwich-street and Washington-street, in such manner, and for such purposes as herein after are specified: and whereas, the prayer of the said petition appears reasonable: Therefore,

Power to sell
certain estate

I. *BE it enacted by the People of the State of New-York, re-presented in Senate and Assembly,* That it shall and may be lawful for the above named Joseph S. Watkins, John S. Watkins and George Wragg, or the survivors or survivor of them, from time to time, or at any one time, to sell, by public auction, in the city of New-York, all that certain piece or parcel of ground, with the improvements thereon, situated in the eighth ward of the said city, bounded easterly on Greenwich-street, southerly on Spring-street, westerly on Washington-street, and northerly on ground now or late of Arthur Smith, in such lots or subdivisions, upon such terms, credit and conditions as they, or the survivors or survivor of them, may deem most advantageous; and after making such sales, the said Joseph S. Watkins, John S. Watkins and George Wragg, or the survivors or the survivor of them, shall forthwith report the same to the chancellor of this state; and whenever such sales shall be approved by the chancellor, the said Joseph S. Watkins, John S. Watkins and George Wragg, or the survivors or survivor of them, shall and may execute conveyances to the purchaser or purchasers, his or their heirs and assigns, for the lands and premises so sold, upon receiving the purchase money, or sufficient landed security therefor, with interest, at seven per cent. per annum, payable half yearly, according to the conditions of the said sales: And such conveyances shall vest in the purchasers respectively, and their heirs and assigns, all the right, title, interest and estate, which the above named Joseph Watkins, the testator, had in and to the lands and premises thereby conveyed, at the time of his death:

Proviso.

Provided however, That no such sale or sales, as are above mentioned, shall be made, unless on application by the above named Joseph S. Watkins, John S. Watkins and George Wragg, or the major part of them, to the chancellor of this state; and they shall prove to the satisfaction of the said chancellor, the material allegations in the preamble to this act contained; and unless the said chancellor shall deem it proper, that the said sales should be made.

Distribution
of securities,
&c.

II. *And be it further enacted,* That the said Joseph S. Watkins, John S. Watkins and George Wragg, or the survivors or survivor of them, do in the first place set apart from, and out of the securities, to be received by them upon the said sales, sufficient thereof to be equal to the sums directed by the above mentioned

will, to be invested for the five surviving daughters of the testator ; and that the said executors do pay the interest and principal of the said sums, so to be invested, according to the directions of the aforesaid will, except as to the share of the above named Frances Susanuah Watkins, late Bostwick, and as to her share, that they pay the interest and principal thereof, according to the above mentioned orders of the court of chancery ; and that the said executors do then pay out of the balance of the said monies and securities, the debts and legacies, still due from the estate of the testator, together with such part of the above mentioned share of Amelia, as is yet unpaid.

And in as much as it is further represented, by the above petition, that that portion of the property, herein above mentioned, which lies between Washington and West-street, is in part unimproved, and will require considerable monies to be expended thereon, for filling in, and docking out, in front thereof, and otherwise : and as all the children of the testator are now interested therein :

III. *Be it further enacted*, That the said Joseph S. Watkins, John S. Watkins and George Wragg, the survivors and survivor of them, do, after the above directed appropriations and payments, appropriate and apply such part of the residue of the said monies and securities, arising from the said sales, as may be necessary for the purpose, to the payment of such expenses as shall or may become necessary, or in their opinion proper, for the improvement of the said last mentioned property : And that the said Joseph S. Watkins, John S. Watkins and George Wragg, the survivors and survivor of them, do hold the residue of the said monies and securities, if any, to be applied and appropriated according to the provisions of the will of the testator, and the rights of the above named petitioners.

IV. *And be it further enacted*, That the purchaser or purchasers at the above mentioned sales, shall not be bound to see to the application of the purchase money, nor be answerable for any loss, misapplication, or non-application thereof, or of any part thereof.

CHAP. XV.

AN ACT to incorporate the Black River Baptist Missionary Society.

Passed January 28, 1820.

WHEREAS Martin E. Cook, Sardis Little, Emery Osgood, and others, have formed themselves into a society, for the purpose of disseminating the gospel of Jesus Christ ; and have prayed to be incorporated, the better to promote that object : Therefore,

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That all such persons as now are, or hereafter may become members of the said society, shall be, and are hereby ordained, constituted and appointed, a body politic, in fact and in name, by the name of the Black River Baptist Missionary Society, and by that name, shall and may have perpetual succession, and be capable in law of suing and being sued,

pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of action and actions, suits, matters, causes, and complaints whatsoever, and may make, and have a common seal, and change and alter the same at pleasure; and are also hereby made capable, in law, by the name of the Black River Baptist Missionary Society aforesaid, of receiving, purchasing, holding, and conveying any estate, real as well as personal, for the use of said society: *Provided always*, That such real and personal estate shall not at any time exceed the annual value of one thousand dollars.

Proviso,

Officers of corporation.

II. *And be it further enacted*, That for the better carrying into effect the object of the said society, the officers thereof shall consist of a president, one vice president, secretary, treasurer, and five trustees; and the president, for the time being, and at all times, together with the trustees, secretary and treasurer, shall form a board of directors, for the said society hereby incorporated: and further, that the officers of the said corporation for the time being, shall be correspondently the officers of the said board of directors; and that Martin E. Cook, shall be president, Sardis Little vice president, Emery Osgood, the secretary, and Timothy Brewster, the treasurer, and Elisha Morgan, Matthew Wilkie, Amasa Brown, Samuel Cole, and Northup Jones, the trustees aforesaid, of the said corporation, until others shall be chosen in their stead, in conformity with the constitution and by-laws of said society.

First officers.

Further powers of corporation.

III. *And be it further enacted*, That the said corporation shall have full power to make and establish such by-laws, rules and regulations, as they from time to time shall deem fit and proper, as to the age and other qualifications, and as to the time, place and manner of the election of their officers and trustees, aforesaid; and as to the time or period of the continuance in office, of the said officers and trustees, and of the manner of filling vacancies that may happen amongst the said officers and trustees, and of the powers and duties of the said officers and trustees, and generally of the said board of directors, and as to the election and admission of new members into the said corporation, and the times and manner thereof; and also, for the management and disposition of the stock, property, estate and effects of the said corporation, for the purpose of carrying into effect the general objects thereof, for fixing the times and places of the meetings of said corporation, (after the first meeting,) for regulating the manner of conducting their business when met, and with respect to all such other matters whatsoever, as relates to the purposes for which the said corporation is hereby constituted and appointed, and no other: *Provided*, That no regulations shall be made by the said corporation, inconsistent with any provision of this act, or in any way to control the religious principles, or affect the rights of conscience, of any person, whatsoever: *And provided further*, That such by-laws, rules, and regulations, be not repugnant to the constitution and laws of the United States, or of this state.

Proviso.

Further proviso.

Public act.

IV. *And be it further enacted*, That this act shall be considered as a public act, and shall be construed favourably in all courts and places, for every purpose therein intended.

V. *And be it further enacted*, That the first meeting of the said corporation shall be held at the brick school house, near Elisha Morgan's, in the town of Rutland, in the county of Jefferson, on the Tuesday next preceding the second Wednesday in June next, at ten o'clock in the forenoon.

First meeting of corporation

VI. *And be it further enacted*, That the legislature shall have the power to repeal, or alter this law whenever they shall deem proper.

Powers reserved by the legislature.

CHAP. XVI.

AN ACT to incorporate the Cartmen's Benevolent Society, of the city of New-York.

Passed January 28, 1820.

WHEREAS the members of a society, instituted for charitable purposes, have petitioned the legislature for an act of incorporation, the better to enable them to obtain the objects of their association: Therefore,

Preamble.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That all persons who now are, or who hereafter may become members of the aforesaid society, shall be, and hereby are constituted a body corporate, in fact and in name, by the name of the Cartmen's Benevolent Society, of the city of New-York, and by that name shall have succession, and be in law capable of suing and being sued, defending and being defended in all courts and places, and in all manner of actions and causes whatsoever, and may have a common seal, and change the same at their pleasure, and by that name and style be capable in law of purchasing, holding and enjoying to them and their successors, any real estate, in fee simple, or otherwise, and any goods, chattels and personal estate, and of selling, or otherwise disposing of the said real and personal estate, or any part thereof, at their will and pleasure: *Provided always*, That the clear annual value or income of such real and personal estate, shall not exceed the sum of two thousand dollars.

Corporation created.

Style and general powers.

Proviso.

II. *And be it further enacted*, That the said society shall have power to make such constitution, by-laws, ordinances and regulations for the appointment of officers, the government of the society, the management of their property and the superintendence of all their concerns, as to them shall appear most proper and beneficial: *Provided*, That the same be not inconsistent with the laws or constitution of this state, or of the United States.

Further powers.

III. *And be it further enacted*, That this act be, and is hereby declared to be a public act, and that the same be construed in all courts and places, benignly and favorably, for every beneficial purpose therein intended.

Powers reserved by the legislature.

IV. *And be it further enacted*, That it shall be lawful for the legislature, at any time hereafter, to amend or repeal this act.

CHAP. XVII.

AN ACT *for relief of the Commissioners therein named.*

Passed January 28, 1820.

347 dols. 98
cents, to be
paid A. St.
John and J.
Fay.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the treasurer, on the warrant of the comptroller, to pay to Alexander St. John and John Fay, commissioners, the sum of three hundred and forty-seven dollars, and ninety eight cents, for expenditures and services, in building a bridge across the west branch of Hudson's river, near the fish house.

CHAP. XVIII.

AN ACT *to repeal so much of the act, entitled an act to incorporate the village of Morrisville, in the county of Madison, and for other purposes, passed the 13th April, 1819, as relates to the village of Cazenovia.*

Passed January 28, 1820.

12th section
of an act re-
pealed.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That all that part of the twelfth section of the act, entitled an act to incorporate the village of Morrisville, in the county of Madison, and for other purposes, as relates to the village of Cazenovia, be, and the same is hereby repealed.

CHAP. XIX.

AN ACT *to provide for the transmission of the Statutes of this State, which may hereafter be enacted, to the seat of the general government.*

Passed January 28, 1820.

Duty of sec-
retary of state

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That immediately after the publication of the acts of the present or any subsequent session, the secretary of state shall transmit four copies thereof, to the secretary of state of the United States.

CHAP. XX.

AN ACT *to prohibit the fishing with seines or nets in Thompson's pond, situate in the town of Stanford, county of Dutchess.*

Passed January 28, 1820.

Fishing in
Thompson's
pond, regula-
ted.

I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall not be lawful

for any person or persons, at any time hereafter, to take any fish, by means of any seine or seines, net or nets, in the pond commonly called Thompson's pond, situate in the town of Stanford, county of Dutchess.

II. *And be it further enacted*, That if any person or persons shall take any fish, contrary to the provision of the preceding section, such person or persons, each and every of them, shall forfeit the sum of ten dollars for each and every offence, to be sued for and recovered by any person who will prosecute for the same, in an action of debt, in his own name, with costs of suit, in any court within this state, having cognizance thereof. Penalty, and how recoverable.

CHAP. XXI.

AN ACT extending to Ward Hunter and Elijah J. Hunter, the time for keeping the ferry, established by "an act for establishing and regulating a ferry across the Hudson river, between the counties of Westchester and Rockland."

Passed January 28, 1820.

WHEREAS Ward Hunter, of Peekskill, in the county of Westchester, and Elijah J. Hunter, of Haverstraw, in the county of Rockland, have represented to this legislature, that they are the owners of the dock or landing, formerly owned by Joshua Colwell, in the town of Haverstraw, in the county of Rockland; and a part of the dock or landing formerly owned by Joseph Travis, at Peekskill, in the county of Westchester; and are also the assignees of the ferry authorised to be established by the act of the legislature of this state, entitled "an act for establishing and regulating a ferry across the Hudson river, between the counties of Westchester and Rockland," passed March 19, 1800: Therefore,

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the said Ward Hunter and Elijah J. Hunter, and their assigns, be, and they are hereby authorised to keep, maintain and continue the ferry authorised by the said act, for the term of fifteen years next after the passing of this act. Ferry to be kept by W. & E. J. Hunter.

II. *And be it further enacted*, That all the rights, privileges and advantages which were given and granted to the said Joseph Travis and Joshua Colwell, by the act above entitled, be, and the same are hereby given and granted to the said Ward Hunter and Elijah J. Hunter, and their assigns, for the said term of fifteen years, subject to all the regulations restrictions and penalties contained in the said act, and that the restrictions, penalties and provisions contained in the fourth section of the said act, shall also continue and remain in force for the term aforesaid. certain rights vested in them.

CHAP. XXII.

AN ACT for the relief of Thomas Gage.

Passed January 28, 1820.

*Certain pri-
vileges gran-
ted.* **BE it enacted by the People of the State of New-York, re-
presented in Senate and Assembly,** That Thomas Gage, an oc-
cupant on lot numbersixty four, in Freemason's patent, shall, for the
land by him occupied, have, and he is hereby entitled to all the
rights and privileges, and upon the same condition, as were grant-
ed to Nathan Underwood and other occupants on said lot, number
sixty-four, by an act of the legislature, passed February the nine-
teenth, one thousand eight hundred and nineteen.

CHAP. XXIII.

**AN ACT to amend an act, entitled "an act to improve a state
road from the village of Angelica, in the county of Allegany,
to the bridge across the Genesee river, near Van Campon's
creek, and thence to the village of Hamilton, on the Allegany
river."**

Passed January 28, 1820.

Preamble.

WHEREAS by the first section of the act hereby amended, di-
vers persons were appointed trustees, to superintend the repair and
improvement of said road, and that owing to the removal of one
of the trustees from the state, and to the distance at which the
other trustees reside from one another, it has become almost imprac-
ticable to collect a sufficient number of trustees to form a quorum :

Further pre-
amble.

And whereas, by the nineteenth section of the aforesaid act, fif-
teen hundred dollars were loaned by the state, to be appropriated
to the repairing and improving of the said road, and directed to be
paid to Philip Church and Sylvanus Russell, two of the trustees
appointed by the aforesaid act, on condition that the said money
should be expended within a year from the passing of said act,
which said sum of fifteen hundred dollars has not been drawn out
of the treasury of the state : Therefore,

Trustees ap-
pointed.

**I. BE it enacted by the People of the State of New-York,
represented in Senate and Assembly,** That Andrew A. Norton,
Daniel Cruger and Nicholas Ayrault be, and are hereby appointed
trustees, to superintend the repair and improvement of the above
mentioned road, and the said persons hereby appointed trustees,
shall be joined with the trustees heretofore appointed, in the exe-
cution of the said act, to all intents and purposes, in as ample a
manner as the trustees heretofore appointed by the aforesaid act
were and are empowered to act.

1500 dls. to
be paid P.
Church & S.
Russell,

II. And be it further enacted, That the treasurer shall pay, on
the warrant of the comptroller, to Philip Church and Sylvanus
Russell, two of the trustees appointed by the aforesaid act, the sum
of one thousand five hundred dollars, on the bond of the said Phil-
ip Church and Sylvanus Russell, on the like conditions required by

the nineteenth section of the aforesaid act; excepting nevertheless, that the treasurer shall be, and hereby is required, so to alter that condition of the said bond, which requires the said money to be expended and accounted for within the period of one year from the passing of the aforesaid act, as that the period for expending and accounting for the said money, shall be extended to two years and six months, from the passing of the aforesaid act.

III. *And be it further enacted*, That the bond required by the fourteenth section of the aforesaid act, to be given by each trustee, before he enters upon the duties of his office, shall contain a condition, that the said trustee shall neither be directly nor indirectly interested in any contract, nor shall directly or indirectly receive any compensation for the exploring, surveying, making, repairing, inspecting or superintending the concerns of the above mentioned road, and in failure of the above condition, the said bond shall be prosecuted, and the amount that may be recovered upon the same, shall be paid over, in like manner, and for the same purpose, as directed by the fifteenth section of the aforesaid act.

Bond to contain a condition.

CHAP. XXIV.

AN ACT authorising the supervisors of the county of Ulster to raise the sum of ten thousand dollars, to defray the expense incurred in completing a new Court-House, Gaol and fire-proof Clerk's office in the said county.

Passed January 28, 1820.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the supervisors of the county of Ulster, to borrow a sum of money, not exceeding the sum of ten thousand dollars; and upon such terms as they shall deem proper, for the purpose of defraying the expense incurred in completing the court-house, gaol and fire proof clerks office, in said county; and that it shall be the duty of the said supervisors, at their next annual meeting, and annually thereafter, to raise a sum not exceeding two mills on the dollar, in any one year, on all the property in said county and now subject to the state tax, to be levied and collected in the same manner as the state tax is now levied, raised and collected, until a sufficient sum is so raised, levied and collected, to discharge the principal and interest accruing on such loan; and in case the said loan should not be effected by the said supervisors, before their next annual meeting, that then it shall be their duty to levy, raise and collect, a sum of money, not exceeding ten thousand dollars, in the manner herein before directed and prescribed, for the purpose of defraying the expense so incurred as aforesaid.

10,000 dls. to be borrowed.

How to be repaid.

CHAP. XXV.

AN ACT to alter the name of the town of Orange, in the county of Saratoga.

Passed January 28, 1820.

Halfmoon
restored.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the name of the town of Orange in the county of Saratoga, shall, after the passing of this act, be called Halfmoon, its ancient name.

CHAP. XXVI.

AN ACT for the relief of the heirs of John M. Van Loon, deceased.

Passed January 28, 1820.

Preamble.

WHEREAS it appears to the legislature that John M. Van Loon, of the town of Athens, in the county of Greene, lately died at the advanced age of ninety-six years, seised of considerable real as well as personal estate, leaving a daughter, Rebecca, the wife of Leonard Witbeck, and ten grand children, being children of his son, Matthias Van Loon, who died in the life time of the said John M. Van Loon; and that the said John M. Van Loon, on the 16th February, 1817, subscribed a certain paper writing, purporting to be his last will and testament, and therein devised the principal part of his real and personal estate to three of his said grand children, to wit, Matthias Van Loon, Samuel Van Loon, and Henry Van Loon: That the said Leonard Witbeck, and Rebecca his wife, have contested the said will, on the ground principally that the said John M. Van Loon was incompetent, by reason of his loss of memory and understanding, to make a will, and have in right of the said Rebecca, as heir at law of the said John M. Van Loon, commenced an action of ejectment for the recovery of one half of the real estate of the said John M. Van Loon, which action has been tried at the late circuit court holden in and for the county of Greene, and a verdict was therein found for the plaintiff; and that a suit is now depending in the court of probates of this state, relating to the personal property of the said John M. Van Loon, in which the validity of the said will is also drawn in question: That the said Leonard Witbeck, and Rebecca his wife, of the one part, and the said Matthias Van Loon, as well as the said Samuel Van Loon, and Henry Van Loon, by their guardians, the said Samuel and Henry, being infants under the age of twenty-one years, of the other part, taking into consideration the expensive and ruinous nature of the law suits and controversies in which they are engaged in relation to the said will, have come to an amicable compromise of the same, and have agreed that the said Rebecca shall have and accept, as and for her share of the estate of the said John M. Van Loon, the one equal undivided third part of the real estate, and the one equal half part of the personal estate; and that the said Matthias, Henry, and Samuel, shall be entitled to the difference between the one third and the one half of the said real estate, and

that the remaining half of the said real and personal estate may be equally divided among all the ten children of the said Matthias Van Loon, to wit, Matthias Van Loon, Henry Van Loon, Samuel Van Loon, John Van Loon, Casper Van Loon, Mary the wife of John Folger, Elsie Van Loon, Elizabeth Van Loon, Rebecca Van Loon, and Jacob Van Loon, all of whom, except the said Matthias, Samuel, and Henry, have uniformly claimed, and do still claim title not under the will, but as heirs at law of the said John M. Van Loon, deceased, each to one undivided twentieth part of his estate. *And whereas* the said Leonard Witbeck, and Rebecca his wife, and the said Matthias Van Loon, as well as the said Samuel Van Loon, Henry Van Loon, Elsie Van Loon, Elizabeth Van Loon, Rebecca Van Loon, and Jacob Van Loon, who are infants under the age of twenty-one years, by Seth Hamilton and Nathaniel Hawland, who have been legally constituted their guardians, have presented to the legislature their petition, setting forth the said agreement and compromise, and that by reason of the coverture and infancy of some of the said parties, the same cannot be made obligatory upon them, and carried into effect, without the aid of the legislature in the premises, and praying that a law may be passed for putting an end to the said law suits and controversies, and to confirm the aforesaid agreement, and for vesting the estates and interests of the said parties in conformity thereto, and that commissioners may be appointed by the legislature to make partition of the real estate of the said John M. Van Loon, among the parties aforesaid, according to their aforesaid interests therein. Therefore,

Further recital.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the parties aforesaid, or any or either of them, to present a petition to the chancellor, praying a confirmation of the said agreement and compromise, and if the allegations in the preamble to this act shall be satisfactorily proved, and the chancellor shall deem it for the interest of the infant parties to decree or order a confirmation of the said agreement, it is hereby declared, that notwithstanding the coverture or infancy of any of the said parties, the title to the real estate whereof the said John M. Van Loon died seised, shall be deemed to be vested in his said daughter and grand children, in the proportion each is entitled to under the said agreement as tenants in common in fee simple, and the personal estate of the said John M. Van Loon, after payment of his debts, shall be distributed in conformity to the said agreement; and it shall be lawful for the chancellor in such case to order partition to be made of the said real estate among the said daughter and grand children, according to their interests therein, as stated in the said agreement, and declared in and by this act. *Provided however,* That nothing in this act contained shall be construed to affect the title or claim of any other person or persons to the estate of John M. Van Loon, deceased, except those who are parties thereto.

Power and duty of Chancellor.

proviso.

CHAP. XXVII.

AN ACT for the relief of Charles Reade.

Passed January 28th, 1820.

Preamble. WHEREAS Charles Reade, of the city of New-York, patent spiral truss manufacturer, hath, by his petition, represented that the said Charles Reade removed from Dublin, in Ireland, to the city of New-York, in the year of our Lord one thousand seven hundred and ninety-nine, and became naturalized in the month of April, in the year of our Lord one thousand eight hundred and eight : That Anne Reade, his late and second wife, during his temporary absence from New-York, on business, in the year one thousand eight hundred and fifteen, purchased the house and lot of ground, number five, William-street, in the city of New-York, with monies belonging to the said Charles Reade, remitted home to his said late and second wife, and took the conveyance or title thereof in her own name : That the said Anne Reade was at the time of the said purchase, and also at the time of her death, an alien, and died without issue, but that the said Charles Reade was and is a naturalized citizen of the United States, and a resident of the city of New-York, and hath prayed legislative aid and relief in the premises. Therefore,

Right of the
state vested
in C. Reade.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That all the right, title, claim, and interest, which this state now has, or may, (in virtue of the alienism of Anne Reade, the late and second wife of the said Charles Reade, of the city of New-York,) hereafter have into and to that certain house and lot of land in the city of New-York, known as distinguished as No. 5, number five, William-street, with its hereditaments and appurtenances shall be and hereby are vested in the said Charles Reade, his heirs and assigns for ever, subject to all legal incumbrances thereon.

Certain act
repealed.

II. *And be it further enacted*, That the act, entitled " An act for the relief of Charles Reade, passed on the thirteenth day of April, in the year of our Lord one thousand eight hundred and nineteen, be and the same is hereby repealed.

CHAP. XXVIII.

AN ACT to amend the Act, entitled " An act relative to Lotteries," passed April 13th, 1819.

Passed January 28, 1820.

Prizes or
blanks to
be put in the
wheel.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the managers of lotteries which now are, or hereafter may be authorised by any law of this state, shall be permitted, in any lottery hereafter to be drawn, to put into the wheel and draw either the prizes only, or both blanks and prizes, as shall appear to them most conducive to the interest of the state.

II. *And be it further enacted*, That the manager of lotteries who shall have the direction of the office for vending tickets for the benefit of the state, in the city of New-York, shall have power, Agents to be appointed. with the approbation of a majority of the board of managers, to appoint agents wheresoever he may think proper, to vend tickets or shares of tickets, under his direction, except in said city. *Provided*, That nothing herein contained shall be construed to affect, Proviso. in any manner, the state office establishment in the city of New-York, which the managers may establish according to the act hereby amended. *And further*, That the thirty-fourth section of the act hereby amended, shall not authorise any such agent to divide tickets, but that the prohibitions contained in, and the powers granted by that section, shall be considered as applicable only to venders of tickets, who shall have purchased from the managers for their individual benefit. *And further*, Such shares as are requisite for each agent, shall be signed and forwarded to them by the manager conducting the office in the city of New-York.

III. *And be it further enacted*, That the managers of lotteries shall not hereafter be compelled to receive sealed proposals for tickets in any future lotteries, or offer them for sale by auction, but shall always be at liberty to retain the whole, or any number of tickets they may think proper, for the purpose of vending them in the state lottery office and by their agents; and that so much of the act hereby amended as requires the managers of lotteries to receive proposals for tickets, and offer them, in case they shall not be thus sold, by public auction, be and the same is hereby repealed. State lottery office, and tickets how sold.

IV. *And be it further enacted*, That so much of the ninth, tenth and eleventh sections of the aforesaid act, as requires venders of tickets residing in the city of Albany, Hudson, Schenectady and Troy, or in any town or county, in this state, except the city of New-York, to take out a license to retail or vend lottery tickets, and the proviso contained in the eighth section of the same act, be and the same are hereby repealed; such repeal of said proviso not to take effect until after the first day of July next so far as respects the sale of any ticket or tickets in any lottery or lotteries authorised by the general government. Certain sections, &c., repealed.

V. *And be it further enacted*, That the manager having the direction of the state lottery office and sales of tickets by agents, shall, within twenty days after the close of each drawing, render a full account of the operations in that class, to the comptroller, and pay over to him such monies as shall have been received by him, the said manager, or such prize tickets drawn in said class, which shall have been taken from and paid to the holders. Amount to be rendered to comptroller.

VI. *And be it further enacted*, That every agent shall, before he executes the duties assigned him, together with one or more sureties, to be approved by the board of managers, enter into a bond to the said managers, in such sum as they shall deem sufficient, conditioned that such agent shall well and truly vend for the said managers, at such price, and in such manner as they shall, from time to time, direct, not less than the scheme price, and pay over to the secretary of the said board of managers, the monies arising from such sales, whenever thereunto required, and return, on the like demand, such tickets as remain unsold. Agents to give bond.

CHAP. XXIX.

AN ACT for the relief of Catharine Rust.

Passed February 4, 1820.

Land-office
to convey to
C. Rust.

Conditions.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the commissioners of the land-office be and they are hereby directed to convey unto Catharine Rust, all the right, title, and interest of the people of this state, of, in, and to lot number eighty, in the eastern allotment of Kingsborough, situate in the town of Johnstown, in the county of Montgomery, upon the said Catharine Rust paying to the people of this state, one eighth part of the amount of the debt lately due to the people of this state from David Rust, late of the said town of Johnstown, together with the interest and costs that have or may accrue, in and about the sale that has been, or which shall be made, by or in behalf of the people of this state, of the said land, and for securing the payment of the residue of the said sum with the interest thereof, in seven equal annual payments, executing to the people of this state, a mortgage of the said lot; and such conveyance by the commissioners of the land-office, shall be subject to such right of dower as Frances Rust might after the death of David Rust, her husband, have had in the premises, if the same had not been mortgaged by him to the people of this state.

CHAP. XXX.

AN ACT for the relief of Thomas Cumpston.

Passed February 4, 1820.

Preamble.

Further recital.

WHEREAS Thomas Cumpston has, by his petition, represented that he did, in the month of January, in the year of our Lord one thousand eight hundred and thirteen, purchase from Robert Jump and Lucy his wife, and George Ketson and Jane his wife, two small lots of ground, situate, lying and being in Broad-street, in the first ward of the city of New-York, and which was conveyed to him by two certain deeds of indenture bearing date the sixteenth day of January, one thousand eight hundred and thirteen, one executed by the said Robert Jump and Lucy his wife, and the other by George Ketson and Jane his wife : *And whereas* the said Thomas Cumpston, in and by his said petition, has further represented, that the said Lucy, wife of the said Robert Jump, and Mary, the mother of the said George Ketson, are the only children of Stephen Shakespeare, late of the said city of New-York, deceased, who was in his life time seised in fee, of the said two lots of ground, and that he, the said Stephen Shakespeare, died intestate : That the said Mary is also deceased, leaving the said George Ketson, her only son and heir, and the grand child and heir of the said Stephen Shakespeare, and who as such took possession of a moiety of the said lots of ground : *And whereas* doubts

have been suggested as to the title of the said Thomas Cumpston, in consequence of the alienism of the said Robert Jump and Lucy his wife, and of the said George Ketson and Jane his wife, (they being subjects of the king of Great Britain,) in consequence of which it is supposed that the people of this state may have and claim the said property. Therefore,

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That he, the said Thomas Cumpston, his heirs and assigns, shall be, and is and are hereby declared to be seised and possessed of the said two lots of ground so as aforesaid conveyed to him by the said Robert Jump and Lucy his wife, and the said George Ketson and Jane his wife, in as full and ample a manner, as if they the said Robert Jump and Lucy his wife, and the said George Ketson and Jane his wife, and their parents, had been citizens of the United States at the time of the death of their ancestor, Stephen Shakespeare, any right to the said property in the people of this state to the contrary notwithstanding.

T. Cumpston declared seised of certain estate.

CHAP. XXXI.

AN ACT for the relief of the Freeholders and Inhabitants of the town of New-Utrecht, in King's county.

Passed February 4, 1820.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That notwithstanding any thing contained in the fifth section of an "Act to protect the fishing in Hudson's river, and to prevent obstructions in the navigation thereof," passed April 11th, 1815, and the proviso thereto, it shall and may be lawful for the freeholders and inhabitants of the town of New-Utrecht, in King's county, to use any hoop-nets or fikes, for the taking of fish, in the waters bordering on their town, or between the place commonly known by the name of Rockhald, on the shore of New-Utrecht, and the point of Coney-Island, on the eastern shore: *Provided,* That such privilege shall not be construed in to extend into the channels of the waters of this state, nor to the places where seines are now usually drawn, so as to obstruct the drawing of such seines, nor to authorise the obstruction of any boat channel or passage which may be in common use with in the said point of Coney-Island and Rockhald.

Fishing permitted to N. Utrecht.

Proviso.

CHAP. XXXII.

AN ACT for suspending the Sales of Lands, now advertised to be sold for Arrearages of Taxes.

Passed February 4, 1820.

I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the comptroller of this state be and he is hereby required to suspend the sales of all lands

Sale of lands suspended to 1821.

by him advertised to be sold on the eighth day of February next, for the arrearages of taxes, to the first Tuesday of February, which will be in the year one thousand eight hundred and twenty-one.

Postponement declared valid, &c.

II. *And be it further enacted*, That the sale shall be made by the comptroller, without further advertisement, other than a general notice of postponement, the publication of which notice of postponement shall be continued until the time of sale, and the sale shall be deemed as valid as if the same had been made at the time first appointed by the comptroller for that purpose.

CHAP. XXXIII.

AN ACT to provide for a deficit in the fund to be distributed for the benefit of Common Schools, in the year eighteen hundred and twenty.

Passed February 4, 1820.

Moneys payable to common schools.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be lawful for the treasurer, on the warrant of the comptroller, to pay the entire amount contemplated by the act, entitled "An act to change and increase the fund for the support and encouragement of common schools, and for other purposes," passed April 13th, 1819, to be distributed in the current year, for the benefit of common schools, notwithstanding that there may be a deficit in the specific funds set apart for that purpose in and by the said act: *Provided*, such deficit shall not exceed thirteen thousand five hundred dollars; and the treasury shall be reimbursed the amount which may be paid under this act, out of the first monies to be received on account of quit rents and the sale of escheated lands in the military tract appropriated to the school fund.

CHAP. XXXIV.

AN ACT to appoint a Treasurer of this State.

Passed February 11, 1820.

G. L. Dox appointed treasurer.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That Gerrit L. Dox be, and he is hereby appointed treasurer of this state, to remain in office until the twelfth day of February, in the year of our Lord one thousand eight hundred and twenty-one.

CHAP. XXXV.

AN ACT to enable James Russell, an alien, to take, hold, and convey Real Estate.

Passed February 11, 1820.

BE it enacted by the People of the State of New-York, re- J. Russell enabled to take real estate.
presented in Senate and Assembly, That James Russell, of the city of Troy, in the county of Rensselaer, shall be and he is hereby enabled to take real estate within this state, either by devise, descent or purchase, and to hold and dispose of the same in like manner as natural born citizens ; and the title to any lands, tenements, or hereditaments heretofore devised to, or purchased, or acquired by him, shall not be impeached or defeated by reason of his alienage, but the same is hereby vested in the said James Russell, his heirs and assigns, in like manner as if he had been a natural born citizen.

CHAP. XXXVI.

AN ACT for the relief of Willard Smith, Lothrop Cooke, and Bates Cooke.

Passed February 11, 1820.

WHEREAS the lots purchased by the persons named in this Preamble.
act, are in low and wet situations, unfit for buildings to be erected thereon : Therefore,

BE it enacted by the People of the State of New-York, re- W. Smith, L. and B. Cooke released from certain stipulations.
presented in Senate and Assembly, That Willard Smith, Lothrop Cooke, and Bates Cooke, be and they are hereby exempted and released from the stipulation mentioned and contained in the first section of the act, entitled " An act concerning the sale of lands in the villages of Black-Rock and Lewiston," passed April 5th, 1816, requiring the purchasers of house lots in the villages of Black-Rock and Lewiston, to erect or cause to be erected, a house on each lot not less than twenty by eighteen feet, fit for the habitation of man, and from any and every penalty mentioned and contained in the said first section of the said act, so far as the said stipulation and penalty may or might affect or apply to lots numbered two hundred and eighty-eight, two hundred and eighty-nine, two hundred and ninety, two hundred and ninety-one, and two hundred ninety-two, of house lots in the village of Lewiston.

CHAP. XXXVII.

AN ACT to require Overseers of the Poor to sue for penalties incurred under certain penal statutes.

Passed February 18, 1820.

I. BE it enacted by the People of the State of New-York, *represented in Senate and Assembly,* That from and after the first day of June next, it is hereby made lawful for, and shall be the duty of the overseers of the poor, in each town, ward or city, in this state, to sue for, prosecute and recover, in their own names, in any court of competent jurisdiction, for the use of the poor of such town, ward or city, every penalty incurred in such town, ward or city, under the act, entitled "an act to lay a duty on strong liquors, and for regulating inns and taverns," and under the act, entitled "an act to prevent the destruction of deer;" and under the act, entitled "an act to prevent horse-racing, and for other purposes therein mentioned," and under the act, entitled "an act to prevent excessive and deceitful gaming," the whole or any part of which is, by existing law, applicable to the support of the poor of such town, ward or city.

Death, &c.
not to abate
suits.

II. And be it further enacted, That no such suit shall abate by reason of the death, or going out of office of any such overseer, but may be continued in the name of the survivor or successor of such overseer.

Juror—wit-
ness.

III. And be it further enacted, That it shall be no objection to the competency of any juror or witness in any such suit, that he is a taxable inhabitant in such town.

Costs, &c.
allowed.

IV. And be it further enacted, That in the auditing of the accounts of the overseers of the poor of any town, they shall be allowed all costs which may have been recovered against them, in any suit brought by them in virtue of this act, and the same daily pay for attending to any suit under this act, as is allowed them for the performance of the other official duties.

V. And be it further enacted, That in all cases provided for by this act, it shall not be lawful for any other person to sue for any such penalty.

CHAP. XXXVIII.

AN ACT for the relief of Daniel Thompson, Collector of the town of Ulysses, in the county of Tompkins.

Passed February 18, 1820.

Preamble.

WHEREAS Daniel Thompson, collector of taxes, in and for the town of Ulysses, in the county of Tompkins, has represented in his memorial to the legislature, that, owing to the unusual scarcity of money, the said collector has not, with his utmost exertions, been able to complete the collection of the taxes of said town, within the time prescribed by law: Therefore,

Time allow-
ed D. Thomp-
son.

BE it enacted by the People of the State of New-York, re- *presented in Senate and Assembly,* That the time now allowed by law to town collectors of taxes, to make their returns to the county treasurers, shall be, and is hereby extended to Daniel

Thompson, collector as aforesaid, to the first day of May next; and the said collector shall continue to have and exercise, all the powers and privileges, in relation to his office, that he possessed previous to the day on which he should have made his returns; *Provided however*, That the said collector shall not be allowed the relief granted in this act, until he shall have renewed his bond to the supervisor of the said town of Ulysses, with one or more sureties, to be approved by said supervisor, in double the amount of his tax list, conditioned for the true and faithful execution of the duties of his office, and for due returns of monies on the first day of May next.

Proviso.

CHAP. XXXIX.

AN ACT for the division of sundry towns.

Passed February 25, 1820.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That such parts of the towns of Bath and Prattsburgh, in the county of Steuben, as are contained in the following limits, to wit: beginning at the southeast corner of township number six, in the third range; thence south, along part of the east line of lot number seven, of the allotment of the north half of township number five, in the third range; thence east, along the north line of lot number six, to the northeast corner of said north half of township number five; thence south, along the east line of lots number six, five, four, three, two and one, to the southeast corner of said lot number one; thence west, along the south lines of lot number one, twelve, and part of thirteen, to the northeast corner of lot number thirty-nine, of the allotment of the south half of said township number five; thence south, along the east line of said lot number thirty-nine, to the southeast corner thereof; thence west, along the south lines of lots number thirty-nine, forty, forty-three and forty-four; thence south along the east line of lots number forty-seven and forty-six, to the northeast corner of James Read's lot; thence along the east and south bounds of said Read's lot, to the southwest corner of the same; thence west, along the south line of lot number seventy-eight, and part of fifty-eight, to the northeast corner of lot number seventy-six; thence south, along the east line of lots number seventy-six, eighty, eighty-five, and across lot number eighty seven, until it intersects the south line of said township number five; thence west, along said line, and along the south line of township number five, in the fourth range, to the southwest corner thereof; thence north, on the west line of the last mentioned township, to the south line of the town of Cohocton; thence east, to the southwest corner of Prattsburgh, as bounded before the passing of this act; thence north, along the line which was heretofore the west line of Prattsburgh, to the place where the south line of township number six, in the fourth range intersects the same; thence east, along the south line of said township number six, in the fourth range, and township number six, in the third range, to the place

Town of
Wheeler
erected.

of beginning, shall be, and the same is hereby erected into a separate town, by the name of Wheeler; and that the first town meeting shall be held at the house of Thomas Aulls, in said town; and that all the remaining parts of the said towns of Bath and Prattsburgh, shall be and remain separate towns, by the names of Bath and Prattsburgh.

II. *And be it further enacted*, That as soon as may be, after the first town-meeting, the supervisors and overseers of the poor, of said towns respectively, on notice being given for that purpose, shall meet together, and divide the money and poor, belonging to the said towns of Bath and Prattsburgh previous to the division thereof, agreeable to the last tax list, and that each of the said towns shall forever hereafter, maintain and support their own poor.

III. *And be it further enacted*, That all that part of the towns of Delhi, Stamford and Middletown, bounded as follows, viz. beginning at the maple tree on the height of land at Ebenezer Hobby's, twenty-five chains south of the Delhi line, and running thence south seventy-five degrees, west eighty-two chains, to a beach tree on the mountain; thence along the ridge of mountains south seventy-three degrees, west one hundred and three chains, to a birch tree; thence due south, four hundred and ninety-four chains, to the old Middletown line; thence along the said line north, fifty-one degrees east three hundred and fifty-five chains, to a point northerly of Tanis Lake; thence south seventy-five degrees, east two hundred and six chains, to the ridge above Weaver's Hollow; thence north fifty degrees, east two hundred and fifty seven chains, to the top of burnt hill; thence north thirty-five degrees, east one hundred and ninety-eight chains, to the ridge above Micah's hollow; thence due north seventy-nine chains, to the ridge of mountains south of Rose's brook; thence along said ridge north sixty degrees, west two hundred and ten chains, to Carman's notch; thence north seventy-five degrees, west one hundred and fifty-four chains, to the mountain back of William Kidzie's; thence south, sixty degrees, east two hundred and sixty chains, to the place of beginning, be, and the same is hereby erected into a separate town, by the name of Bovina; and the first town meeting in said town, shall be held at the house of John Hastings: *Provided*, That nothing herein contained shall be so construed as to include in the said town of Bovina, any part of the town of Andes.

IV. *And be it further enacted*, That as soon as may be, after the next annual town meetings in the several towns affected by this act, the supervisors and overseers of the poor, of the towns of Delhi, Stamford, Middletown, Andes and Bovina, shall meet, on notice to be given by the supervisors of Bovina, and divide the money and the poor of said towns respectively, as shall be equitable, taking the last list as their guide.

V. *And be it further enacted*, That all that part of the town of Plattsburgh, contained in the patent commonly called and known by the name of Beekman's patent, and all the territory that will be included by an extension of the north and south lines of said Beekman's patent west to the east line of the county of Franklin, shall be, and the same is hereby erected into a separate town, by the name of Beekmantown; and that the first town meeting be held at the school house, near the four corners.

VI. *And be it further enacted*, That the remaining part of the town of Plattsburgh, be, and remain a separate town, by the name of Plattsburgh; and that the first town meeting shall be held at the dwelling house of Joseph J. Green. Remaining part of town

VII. *And be it further enacted*, That as soon as may be, after the first Tuesday of April next, the supervisors and overseers of the poor of the town of Plattsburgh and Beekmantown, respectively, on notice being given for that purpose, shall meet together and divide the money and poor, belonging to said towns of Plattsburgh and Beekmantown previous to the division thereof, agreeable to the last tax list; and that each of the said towns shall, forever thereafter, respectively maintain and support its own poor; and if the said supervisors and overseers of the poor cannot agree upon such division, then the supervisors of the county of Clinton, at their next annual meeting, shall apportion the poor and money belonging to said town of Plattsburgh between said towns, as is prescribed by this section of the act. Poor and poor monies to be divided.

VIII. *And be it further enacted*, That in case any damages, costs or expenses, shall hereafter be decided or adjudged against said town of Plattsburgh, in consequence of any removal of paupers, by the authority of said town, or on account of any transaction, relative to the disposition of the poor, in any way or manner, before the passage of this act, charging the said town of Plattsburgh with the payment of any sum or sums of money, such charges and expenses shall be apportioned and paid by said towns, in the same proportion as the poor and money belonging to said town are directed to be divided by the seventh section of this act. Certain expenses, how chargeable.

CHAP. XL.

AN ACT for altering the time of holding the Town Meetings in the town of Providence, in the county of Saratoga.

Passed February 25, 1820.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the town meetings in the town of Providence, in the county of Saratoga, shall hereafter be held on the first Tuesday in April in every year; and that all such town officers of the said town, whose duty it is to meet on the last Tuesday in February, shall meet on the last Tuesday in March, in every year, to do and transact such business as to their respective offices may appertain. Town meeting when held.

CHAP. XLI.

AN ACT to alter the time of holding Town Meetings in the town of Chazy, in the county of Clinton.

Passed February 25, 1820.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the town meetings here- Town meeting when held.

after to be holden in the town of Chazy, shall be held on the first Tuesday of March annually; and that such town officers, whose duty it was to meet on the last Tuesday of March, shall meet on the last Tuesday of February, to do and transact such business as to their respective offices may appertain.

CHAP. XLII.

AN ACT to amend an act, entitled "*An Act for the relief of Elisha Farnham, passed April 12, 1819.*"

Passed February 29, 1820.

Preamble. WHEREAS by an act of the legislature of the state of New-York, passed April 12th, 1819, Nehemiah Huntington, Sylvester Beacher, and James Nye, of the county of Madison, were appointed commissioners to examine into the claims of Elisha Farnham, upon the said county of Madison, and were directed to report to the supervisors of said county at their next annual meeting :

Further preamble. *And whereas* the said commissioners did report to the said supervisors, at their next annual meeting, that the said Elisha Farnham was entitled to two hundred and fifty dollars :

Further preamble. *And whereas* the supervisors of said county were, by the said law, authorised to raise by tax on said county, such sum as the said commissioners should so report, in case the said supervisors should think the estimate of said commissioners a reasonable one :

Further preamble. *And whereas* the said supervisors did refuse to raise by tax any part of the said sum of two hundred and fifty dollars : Therefore,

250dls. to be paid to E. Farnham. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That the said board of supervisors of the county of Madison, are hereby authorised and required to raise by tax, two hundred and fifty dollars, at their next annual meeting, as the other contingent expenses of said county are assessed, levied and collected, and cause the said sum of two hundred and fifty dollars to be paid to the said Elisha Farnham, by the tenth day of February, one thousand eight hundred and twenty-one.

CHAP. XLIII.

AN ACT for the relief of the Infant Children of Aert Middagh, deceased.

Passed February 29, 1820.

Preamble. WHEREAS Losee Van Nostrand, the guardian of Magdalen Middagh, Sarah Middagh, and Cornelia Middagh, the infant children of Aert Middagh, late of the village of Brooklyn, in the town of Brooklyn, in the county of Kings, deceased, has, by his petition, represented to the legislature, that the said infant children are seised in fee of considerable real estate, situated in the said village of Brooklyn, descended to them by the death of their late father, the

said Aert Middagh, and also by the death of their grand father, the late John Middagh, deceased : That during the life time of the said late John Middagh, and also during the life time of the said late Aert Middagh, leases were made and duly executed, by them, at different times, to sundry persons, for certain parcels and lots of the said real estate, for a term of years, with covenants therein contained, and amongst others, that all buildings and improvements made and erected on the said demised premises, by the several tenants, should be fairly valued and estimated at the expiration of the said respective terms, and it should then be optional with the said John Middagh, and Aert Middagh, their heirs, executors, administrators, or assigns, to pay such appraised valuations, and thereupon take the said buildings and improvements to themselves, or otherwise renew the said leases for a further term : That several of the terms granted in and by the said leases, are soon to expire, and that the said infant children are not possessed of adequate funds, or other personal property, sufficient to discharge the said appraised valuations, as may from time to time be required, and that for the better maintenance and education of the said infant children, and to render the said real estate more productive of revenue, it has become necessary to obtain the interposition of the legislature, to authorise the guardian or guardians of the said infant children, to renew the aforesaid leases ; and to lease the remaining part of the said real estate, until the youngest of the said infant children shall arrive at lawful age, so as to render the covenants entered into by the said guardian or guardians, obligatory on the said infant children, their heirs, executors, and administrators ; and also, if deemed more beneficial, to pay the appraised valuation of the said buildings and improvements, than to renew the leases thereon, further to authorise the said guardian or guardians to sell and dispose of as much of the said real estate, of the said infant children, as will be sufficient to discharge such appraised valuations, under such restrictions and directions as may be prescribed :

And whereas the prayer of the petitioner appears to be reasonable : Therefore,

I. *BE it enacted by the People of the State of New-York,* Power to re-
new leases. *represented in Senate and Assembly,* That it shall and may be lawful to and for the guardian or guardians of the said infant children, if deemed advisable, at the expiration of the present terms of the several leases made and executed by the said John Middagh, and Aert Middagh, as aforesaid, to renew the same upon such terms and conditions as are expressly mentioned and contained in the said several leases, or upon any other and further terms and conditions as can or may be agreed upon : And also that it shall and may be lawful, to and for the said guardian or guardians, to let and demise all or any part or parcel of the real estate of the said infant children, by indenture or indentures of lease under his or their hand and seal, or hands and seals, to any person or persons, and upon such terms and conditions as the said guardian or guardians shall judge proper : *Provided,* That the term or terms granted by the said guardian or guardians, do in no case, under this act, extend beyond, and are made determinable when the youngest of the said infant children shall arrive at lawful age, which will To make les-
ses. Proviso.

be on the eighteenth day of April, in the year of our Lord one thousand eight hundred and thirty-four: And also so that upon every such indenture or indentures of lease, there shall be reserved and made payable, during the continuance thereof, the best improved yearly rent that can be reasonably had for the same.

Guardian to
account.

II. *And be it further enacted*, That it shall be the duty of the said guardian or guardians, to account with the said infant children for all such rents received by him or them, and in what manner expended, if such expenditure has become necessary, when the said infant children shall arrive at lawful age, or otherwise to render a just and true account thereof to any court having cognizance of the same, when thereunto required.

Leases to be
valid.

III. *And be it further enacted*, That every and all indenture or indentures of lease, renewed, made and executed by the said guardian or guardians, pursuant to the first section of this act, and all covenants, stipulations and agreements, entered into by the said guardian or guardians, in such indenture or indentures of lease, for and on behalf of said infant children, shall be binding and obligatory on the said infant children, their heirs, executors and administrators, in the same manner as if the said indenture or indentures of lease had been duly made and executed by the said infant children, when of full age and without any legal disability.

Application
to surrogate
of Kings.

IV. *And be it further enacted*, That in case the said guardian or guardians of the said infant children, shall deem it more beneficial to the interests of the said infant children, to pay the appraised valuations of the said buildings and improvements, or any of them, as mentioned in the recital of this act, than to renew the said leases or any of them, and for such purpose should require the sale and disposal of any part or parcel of the real estate of the said infant children, it shall be the duty of such guardian or guardians, from time to time, or as often as may become necessary, to apply, by petition, to the surrogate of the county of Kings, setting forth in such petition, the nature, the grounds, and the reasons of the application; and the said surrogate shall thereupon make an order directing all persons having any immediate or remote interest in the real estate of the said infant children, to appear before him at a certain day and place, in the same order to be specified, not less than three nor more than five weeks after the day of making such order, to shew cause why so much of the real estate of the said infant children should not be sold, as will be sufficient to pay for the buildings and improvements specified in such petition, which said order shall be published in the public newspaper, (if any) printed in the county of Kings, for three weeks successively, and in case no newspaper shall, at the time of making such order, be printed in the said county, then the said order shall be published by putting up written or printed copies thereof for the same length of time, in at least three of the most public places in the village of Brooklyn, in the said county. And the said surrogate shall, at the time and place specified in the said order, or at such other time and place as he may then appoint, proceed, in a summary manner, to enquire into the merits of the application of the said guardian or guardians; and if he shall find the grounds of such application reasonable and proper, he may order and direct so much of the real estate of the said in-

His power.

fant children to be sold, as will be sufficient to pay for the appraised valuations of the buildings and improvements, mentioned in the said petition, together with the necessary costs and charges thereon : *Provided*, That the sale of any part or parcel of the real estate of the said infant children, under the order and direction of the said surrogate, shall be at public vendue.

V. *And be it further enacted*, That all sales of any part or parcel of the real estate of the said infant children, made by an order of the surrogate of the county of Kings, pursuant to the provisions of this act, shall be made, and conveyances for the same executed by the guardian or guardians, applying for such order, together with such other discreet person or persons as the said surrogate may appoint, and the conveyance for the same shall set forth such order at large, and shall be valid and effectual against the said infants, and all claiming by, from or under them. Sales by surrogate.

VI. *And be it further enacted*, That all proceedings in relation to the sale of any part or parcel of real estate, under this act, shall be filed and recorded by the surrogate of the said county of Kings, in his office, or such part of the said proceedings as the said surrogate may adjudge necessary, to show the origin and nature of the title of the purchaser or purchasers of the said real estate, pursuant to this act ; and that the said surrogate shall be entitled, for his services, in ordering and directing the sale of such real estate as aforesaid, the same fees as are allowed by law in the case of the sales of the real estates of testators and intestates. Proceedings, where filed.
Fees of surrogate.

VII. *And be it further enacted*, That before it shall be lawful for the guardian or guardians aforesaid, to renew any of the leases aforesaid, or to make any sale of the real estate aforesaid, or to do any other matter or thing, under this act, he or they shall execute a bond, to the people of this state, in such penalty and with such condition; and with such security, as the surrogate of the county of Kings shall require and approve of, to the end, that the rights and interests of the said infants may be protected, which bond shall be filed in the office of the said surrogate. Guardian to file bond.

CHAP. XLIV.

AN ACT to alter the time of holding town meetings in the town of Kingston, Ulster county.

Passed February 29, 1820.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the town meetings in the town of Kingston, in the county of Ulster, shall hereafter be held on the first Tuesday in April, in every year ; and that all town officers, whose duty it is to meet on the last Tuesday of February, shall meet on the last Tuesday in March, in every year, to do and transact such business, as to their respective offices may appertain. Time of holding town meetings.

CHAP. XLV.

AN ACT *relative to certain loans made to the sufferers on the Niagara Frontier.*

Passed February 29, 1820.

Payment of
interest sus-
pended to 1st
Feb. 1821.

BE it enacted by the People of the State of New-York, re- presented in Senate and Assembly, That the collection of inter- est due to the people of this state, from the several persons to whom loans were made by the comptroller, under, and by virtue of the act, entitled "an act for the relief of the sufferers on the Niagara frontier," passed April 17, 1815, be, and the same are hereby sus- pended until the first day of February, in the year one thousand eight hundred and twenty-one, until which day, no further or oth- er proceedings shall be had in suits brought to collect the said in- terest.

CHAP. XLVI.

AN ACT *to amend the act, entitled "an act for defraying cer- tain repairs made to the Capitol, in the city of Albany."*

Passed February 29, 1820.

Albany coun-
ty released
from any part
of certain ex-
penses.

BE it enacted by the People of the State of New-York, re- presented in Senate and Assembly, That so much of the said act as requires the supervisors of the county of Albany, to cause to be assessed and raised, the one third part of the amount of the ex- pense of the said repairs, in the manner in the said act mentioned, and to pay the same into the treasury of the state, be, and the same is hereby repealed.

CHAP. XLVII.

AN ACT *to amend an act, entitled "an act for the relief of the heirs of Thomas Snell, Isaac Hoffmeyer, and the execu- tors of Humphrey Shearman," passed April 6, 1813.*

Passed February 29, 1820.

Preamble.

WHEREAS Elizabeth Snell, the widow of Thomas Snell, de- ceased, and administratrix of the goods, chattels, rights and cred- its of the said Thomas Snell, and Eliza Snell, John Snell, James Quick and Maria his wife, William Snell, Edwin Snell and Caro- line Snell, and the said Elizabeth Snell, as guardian of the said William, Edwin and Caroline, who are infants, under the age of twenty-one years, have presented their petition to the legisla- ture, representing, in substance, the application for, and the pass- ing of the above mentioned act; and that the said Thomas Snell, deceased, at the time of his death, was seized of a small lot of wood land, containing about five acres, in the town of New-Roch- elle, in the neighbourhood of the property of Mamaroneck, man-

tioned in the said act, which wood land is convenient to the said property, at Mamaroneck, and was intended to have been sold therewith, but by some accident, was not mentioned in the said application : representing further, that the trustees appointed by the said act, have not been able to make sale of the said property at Mamaroneck, hitherto, but that they have now an offer for the said property, and the above mentioned lot in New-Rochelle, which the petitioners are willing to accept : representing further, that the said Thomas Snell died intestate, leaving the petitioner, Elizabeth Snell his widow, and the petitioners, Eliza Snell, John Snell, Maria Quick, William Snell, Edwin Snell and Caroline Snell, and their brother, Thomas Snell, his only children and heirs, him surviving ; that all of them are of full age, except the said William, Edwin and Caroline ; and that the said Elizabeth Snell hath been duly appointed guardian of the said infants ; and that the said Thomas Snell, the son of the intestate, is a lunatic, utterly incompetent to the management of his affairs ; and praying that the said property at Mamaroneck and New-Rochelle may be sold, and the proceeds of the sale appropriated, in the manner herein after prescribed : Therefore,

I. *BE it enacted by the People of the State of New-York,* represented in Senate and Assembly, That the said Elizabeth Snell, and Thomas R. Mercein, and Peter Staggs, be, and they hereby are appointed trustees, with full power to them, and the survivors or survivor of them, to grant, bargain, sell and convey the real estate in the town of Mamaroneck and New-Rochelle, in the county of Westchester, of which the said Thomas Snell, the said intestate, died seized, and the conveyance or conveyances, to be executed by the said trustees, or the survivors or survivor of them, shall vest in the grantee or grantees, and his or their heirs and assigns, all the right, title, interest and estate, which the said Thomas Snell had, at the time of his death, in and to the lands and premises thereby conveyed : *Provided however,* That the said trustees, who shall make such sale or sales shall, before the execution of any conveyance or conveyances, for the property so sold, give a bond, to be approved of by the chancellor of this state, to the children of the intestate, in such sum as the said chancellor shall direct, conditioned for the faithful execution of the trust hereby reposed in them—which bond shall be filed in the office of the register or assistant register of the court of chancery of this state.

Certain estate to be conveyed.

Proviso.

II. *And be it further enacted,* That the said trustees, the survivors or survivor of them, shall invest one third part of the nett proceeds of the said sale or sales, in any stock created by the United States, or by this state, or place the same at interest, on good landed security, and pay the interest thereof annually to the said Elizabeth Snell during her natural life, and upon her decease that they shall pay the said one third to the persons who shall then be entitled thereto, as the legal representatives of the said Thomas Snell, the intestate ; and as to the remaining two thirds of the said proceeds, that they pay the one seventh part thereof to each of the above named Eliza Snell, John Snell, and Maria Quick, or their respective legal representatives ; and that they shall place the remaining four seventh parts thereof, at interest on sufficient landed security, or invest the same in such stock as above mentioned, and

Proceeds how to be vested.

and distributed.

pay the interest of three of the said seventh parts annually to the guardian of the above named infants during their minority respectively, and the principal of each of the said three seventh parts to the infants respectively, upon their attaining their full age respectively, or pay such principal upon the death of either of the said infants before arrival at age, to the legal representatives of such infant so dying; and lastly, that the said trustees, the survivors or survivor of them, shall pay the interest of the remaining seventh part, during the life of the said Thomas Snell, the lunatic, to his mother, for his use and benefit, or to such person as may be appointed committee of his estate, if any committee shall be appointed, and pay the principal of the said last mentioned seventh part, to the legal representatives of the said Thomas Snell upon his death, unless such committee be appointed as aforesaid, and in such case to pay the said principal to the same committee, upon the appointment thereof.

Purchaser
not prejudiced
by loss &c
of money.

III. *And be it further enacted*, That the purchaser or purchasers of the above mentioned property, shall not be bound to see to the application of the purchase money, nor be answerable for any loss, misapplication or non-application thereof, or any part thereof.

CHAP. XLVIII.

AN ACT to incorporate the Bible and Common Prayer Book Society of Albany and its vicinity.

Passed February 29, 1820.

Preamble. WHEREAS Philip S. Van Rensselaer, George Tibbits, James C. Duane, Richard Davis, George Upsfold, William Cook, William B. Lacey, Henry Guest, Junior, James Gibbons, Henry Trowbridge, Guert Van Schoenhoven, David Tomlinson, George W. Featherstonhaugh and others, have formed themselves into a society, for raising a permanent fund, the interest whereof, and the monies arising from other sources, to be appropriated annually for the purchase and distribution of bibles and common prayer books, and have prayed to be incorporated, the better to promote that object: Therefore,

Corporation
erected.

Style & general
powers.

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That all such persons as now are, or hereafter may become members of the said society, shall be, and hereby are ordained, constituted and appointed a body politic and corporate, in fact and in name, by the name of "the bible and common prayer book Society, of Albany, and its vicinity;" and by that name shall and may have perpetual succession, and be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, matters, causes and complaints whatsoever, and may make and have a common seal, and change and alter the same at pleasure, and may receive, purchase, hold and convey any estate, real as well as personal, for the use of the said corporation: *Provi-*

led always. That such real and personal estate shall not, at any time exceed the annual value of two thousand dollars.

II. *And be it further enacted*, That for the better carrying into effect the objects of the said society, the officers thereof shall consist of a president, three vice-presidents, a treasurer, a recording secretary, and a corresponding secretary, who, together with eleven managers, and the president for the time being of every society which now is, or shall hereafter be auxiliary to the society hereby incorporated, by contributing to the funds of the same, shall form a board of directors for the corporation created by this act. *And further*, That the officers of the said corporation for the time being, shall be correspondently the officers of the said board of directors; and that Philip S. Van Rensselaer, shall be the president, George Tibbits, the first vice-president, James C. Duane, the second vice-president, Richard Davis, the third vice-president, George Upsfold, the treasurer, William Cook, the recording secretary, the Reverend William B. Lacey, the corresponding secretary; and Henry Guest, Junior, James Gibbons, Henry Trowbridge, William S. Parker, Nathan Warren, Isaac Kellogg, Guert Van Schoonhoven, John Kuickerbacker, Daniel Martin, David Tomlinson, and George W. Featherstonhaugh, the managers aforesaid of the said corporation, until others shall be chosen in their stead, in conformity with the by-laws of the said corporation.

Officers of the corporation.

First Officers.

III. *And be it further enacted*, That the present and future members of the said corporation, may, from time to time, make such constitution, by-laws, ordinances and regulations, for the investment of their funds, for the time and manner of the appointment of officers and filling of vacancies, for prescribing the duties and duration of such offices, for the admission of new members, for applying the interest of their said funds to the purposes of their incorporation, for regulating their business when met, and with respect to all such other matters whatever relating to the purposes for which the said corporation is hereby constituted and created, and for no other purpose whatsoever. *Provided*, such by-laws, rules and regulations be not repugnant to the constitution and laws of the United States, or of this state.

Spreading powers of the corporation.

IV. *And be it further enacted*, That this act shall be deemed a public act, and shall be construed benignly and favourably for every purpose therein intended.

V. *And be it further enacted*, That it shall at all times be lawful for the legislature to repeal or modify this act.

Right reserved.

CHAP. XLIX.

AN ACT for the relief of the heirs of Peter Otsequette.

Passed February 29, 1820.

WHEREAS Anthooy Otsequette, son and only surviving child of Peter Otsequette, deceased, is entitled to one equal moiety of the benefits and privileges secured to the said Peter Otsequette and his issue, under and by virtue of the act, entitled "An act for vesting a certain tract of land in trustees, for the benefit of Peter

Preamble.

Further pre-
amble.

Certain mo-
nies payable
to A. Otse-
quette on cer-
tain condi-
tions.

* Error in
the engrossed
bill, it should
have been
Anthony.

Certain lands
vested in the
state and G.
Hill and J.
Hill.

Otsequette," passed March 18th, 1791. *And whereas* George Hill and Jenny Hill, infant children of the late daughter of the said Peter Otsequette, are together entitled to the other moiety of the benefits and privileges aforesaid. *And whereas* the said Anthony Otsequette is desirous of surrendering to the people of the state all his interest in the aforesaid trust estate, upon being paid therefor the sum of three hundred dollars, and having secured to him and his heirs, a perpetual annuity from the state of forty-two dollars. Therefore,

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That if the said Anthony Otsequette shall, for himself and his heirs, execute in due form of law, a deed or instrument in writing, surrendering and releasing to the people of this state, all his interest, right, title, claim and demand, into and upon the aforesaid trust estate, the person administering the government of this state, shall thereupon direct the comptroller forthwith to draw his warrant upon the treasurer, in favour of the said *Peter Otsequette, for the said sum of three hundred dollars; and annually hereafter in favour of the said Anthony, or his heirs, for the said annuity of forty-two dollars, at the time when other annuities due to the Oneida nation of Indians are by law directed to be paid.

II. *And be it further enacted*, That from and after the execution by the said Anthony Otsequette, of the aforesaid deed of surrender and release, all the interest, right, title, claim and demand of the heirs of the said Peter Otsequette, in, to, and upon the southerly half of the lands granted in trust by the act aforesaid, shall be vested in the people of this state, and all the interest, right, title, claim and demand, of the heirs of the said Peter Otsequette, in, to, and upon the northerly half of the aforesaid lands, shall be vested in the said George Hill and Jenny Hill, and their heirs for ever.

CHAP. L.

AN ACT to alter the time of holding Town Meetings, in the town of Lexington, in the county of Greenc.

Passed February 20, 1820.

Time of town
meeting al-
tered

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the annual town meetings to be held in the said town of Lexington, in the year one thousand eight hundred and twenty-one, and thereafter, shall be held on the first Tuesday in March; and all such town officers whose duty it is to meet on the last Tuesday in March, shall meet on the last Tuesday in February, to do and transact such business as to their respective offices shall appertain.

CHAP. LI.

AN ACT relative to the Poor.

Passed March 3, 1820.

I. *BE it enacted by the People of the State of New-York, re-* House of in-
presented in Senate and Assembly, That it shall and may be law- dustry auth-
 ful for the supervisors of the county of Rensselaer, to purchase and orized.
 hold to themselves and their successors in office for ever, for the
 use of the inhabitants of said county, at such place in the same
 county as they or a majority of them shall deem proper, a tract of
 land not exceeding the quantity of two hundred acres, and thereon
 build and erect, for the accommodation, employment and use of the
 poor of said county, suitable buildings, to be denominated the
 house of industry of the county of Rensselaer; and to defray the
 expense of such purchase and buildings, raise by tax on estates,
 real and personal, of the freeholders and inhabitants of the same
 county, a sum not exceeding the sum of six thousand dollars, by 6000dls. to be
 such instalments, and at such times, as may be ordered by the raised.
 said board of supervisors, to be assessed and collected in the same
 manner as the other county charges are assessed and collected;
 which money, when collected, shall be paid over by the treasurer
 of said county to said supervisors or such persons as they shall
 for that purpose appoint, to be applied to defraying the expenses
 aforesaid.

II. *And be it further enacted,* That after the said house of in- Superintend-
 dustry shall be erected, it shall be the duty of the supervisors of ents, and
 said county, at their meeting on the first Tuesday of October an- their powers.
 nually, to choose and appoint by plurality of votes, not less than
 five persons, who shall be denominated superintendents of the house
 of industry of the county of Rensselaer, who shall, until the first
 Tuesday of October next thereafter, take upon themselves and
 have the exclusive charge, management, direction and superintend-
 ence of said house of industry, and of every thing relating to the
 same, and shall and may from time to time, make, ordain and es-
 tablish such prudential rules, regulations and by-laws, for the well
 ordering of the same, and the employment, relief, management
 and government of the persons therein placed, and the officers and
 servants therein employed, and the correction of the refractory, dis-
 obedient and disorderly, by solitary confinement therein, and feed-
 ing them on bread and water only, as they shall deem expedient
 for the good government of the same; and shall and may from
 time to time, appoint and employ a suitable person to be keeper
 of the same house, and necessary servants under him, and the same
 keeper and servants remove at pleasure, or otherwise, if they shall
 deem it more advisable; it shall be lawful for the said superin-
 tendents to contract with some suitable person for the support of
 those persons who are placed in said house of industry, who shall
 give a bond to said superintendents, with sufficient sureties, for
 the faithful performance of his contract, and who shall and may
 be authorized to employ the persons so committed to his charge,
 in like manner as if he was appointed keeper of said house of in-
 dustry.

Paupers when
and how to
be sent to h.
of industry.

III. *And be it further enacted*, That whenever, after the said house of industry shall be completed, any poor persons belonging to any city or town in said county shall apply to any overseer of the poor of such city or town for relief, and also when any poor person in any city or town of said county, not belonging to, nor having a settlement in, any city or town of the same county, and who shall be so sick or debilitated, that it would be improper to remove him or her to his or her last place of legal settlement, shall apply for relief as aforesaid, the said overseer of the poor shall make application to a justice of the peace of said county, which said justice and overseer, shall enquire into the state and circumstances of the person so applying for relief as aforesaid; and if it shall appear to the said justice and overseer of the poor, that such person is in such indigent circumstances as to require relief, it shall and may be lawful for such justice, instead of ordering relief in the manner directed in and by the twenty-fifth section of the act, entitled "An act for the relief and settlement of the poor," to issue his warrant under his hand, directed to any constable of such city or town, whose duty it shall be to execute the same, thereby requiring said constable forthwith to take such person, so applying for relief, and remove him or her to said house of industry, and there deliver him or her to the care of the keeper of the same house, to be relieved and provided for as his or her necessities shall or may require, until he or she shall be discharged therefrom by order of the superintendents of the same house or some one of them.

Disorderly
persons may
also be there
committed.

IV. *And be it further enacted*, That in case the said supervisors, by a resolution to be passed by a majority of the board, shall give permission, and so long, and no longer, as such permission shall be continued, it shall and may be lawful for any justice of the peace of said county, whenever, and as often as any person or persons shall be convicted, before him, of being a disorderly person, under or within the meaning of the act, entitled "An act for apprehending and punishing disorderly persons," instead of the punishment directed by the same act, by warrant, under his hand and seal, to commit such disorderly person or persons to said house of industry, into the custody of the keeper thereof, there to be kept at hard labour, for any time not exceeding six months, unless sooner discharged therefrom, by order of said superintendents, or a majority of them, in which warrant it shall be sufficient to state and set forth generally, that such person has been duly convicted of being a disorderly person, without more particular specification of the offence.

Beggars to be
there sent.

V. *And be it further enacted*, That it shall and may be lawful for the overseers of the poor of any town or city in said county, to take up any child under the age of fifteen years, who shall be permitted to beg or solicit charity from door to door, or in any street or highway of such city or town, and carry or send him or her to said house of industry, there to be kept and employed, and instructed in such useful labour, as he or she shall be able to perform, and supported until discharged therefrom by order of said superintendent, whose duty it shall be to discharge such child, as soon as he or she shall be able to provide for himself or herself.

VI. *And be it further enacted*, That it shall be lawful for the keeper of said house of industry, to require and compel all persons, committed to his care or custody in the same by virtue of this act, to perform such work, labor and service, towards defraying the expense of their maintenance and support, as they shall severally be able to perform; or said superintendents shall from time to time direct; and in case any such person shall neglect or refuse to perform the work, labor and service required of him or her, or shall at any time refuse or neglect any rule, regulation or by-law, which shall as aforesaid be made and established by said superintendents, for the well ordering and government of the persons committed to or placed in said house of industry, or shall at any time depart therefrom, until he or she shall be regularly and duly dismissed and discharged therefrom, in each and every such case, it shall and may be lawful for the keepers of the same house, to place and keep each and every such person in solitary confinement in some part of the same house, and feed him, her or them with bread and water only, until he or she shall submit to perform the same labor, work and service, and obey, conform and observe the rules, regulations and by-laws aforesaid, or for such time as said keeper shall judge proportioned to his or her respective offence or offences: *Provided however*, That every such person, who shall think himself or herself aggrieved by the conduct of such keeper towards them, may and shall be permitted to make his or her complaint to said superintendents, or any one of them, who shall immediately examine into the grounds of such complaint, and make such order and direction in the case, as to him or them shall appear fit and proper, which order shall be final and conclusive in the case.

Persons there
in to labour.

Solitary con-
finement.

Proviso.

VII. *And be it further enacted*, That the expense of supporting and maintaining such persons as shall or may be sent to or placed in said house of industry, pursuant to the provisions to this act, and all expenses incident to keeping, maintaining and governing said house of industry, shall be a charge upon said county of Rensselaer; and it shall and may be lawful for the supervisors of said county, to cause such sum as may and shall be necessary to defray the same expenses, to be annually assessed and collected, by a tax on the estates, real and personal, of the freeholders and inhabitants of the same county, in the proportion to the number and expenses of paupers the several towns respectively shall have in the said house of industry, or in such other manner as the said supervisors may elect; which monies, when collected, shall be paid by the collectors of the city of Troy and the several towns in said county, into the hands of the treasurer of the county of Rensselaer, subject to the orders of said superintendents, to be by them applied to the paying and defraying of the same expenses.

Expenses
how borne.

VIII. *And be it further enacted*, That the said superintendents may, at the expense of said county, from time to time, purchase and procure such raw materials, to be wrought and manufactured by the persons in said house of industry, and shall and may, at all times, sell and dispose of the produce of the labor of the same persons, in such manner as they shall judge most conducive to the interests of said county; and it shall be the duty of the said superintendents annually, at the meeting of the supervisors of said coun-

Raw materi-
als to be pro-
vided.

Accounts to be rendered. ty, on the first Tuesday of October in each year, to account with the board of said supervisors, for all monies by them received and expended as such superintendents, and pay over any such monies remaining in their hands as such superintendents unexpended, to the superintendents who shall then be chosen and appointed in their stead.

Paupers in other towns. *IX. And be it further enacted,* That the poor of said city of Troy, and the several towns of said county, who shall stand in need of relief, and whom the overseers of the poor of said city, or any of such towns, shall not deem it expedient to send to said house of industry, pursuant to the provisions of this act, shall be relieved, supported and maintained in the manner now directed by law, any thing in this act notwithstanding: And if the monies arising from the duty of excise, received from the licences to retail strong and spirituous liquors, and to keep inns or taverns in said city, or either of said towns, in any year shall be more than sufficient to defray the expense of relieving and maintaining the poor thereof, who shall not be sent to said house of industry as aforesaid, it shall be the duty of the overseers of the poor in such city or town, at the close of the year, to pay over such money remaining in his hands unexpended, into the hands of the superintendents of said house of industry, for the support of the poor of the same county, which money shall pass to the credit of said town so paying the same: *Provided however,* That nothing in this act contained, shall extend to any town in said county, or the poor thereof, or authorise the raising of any money for the purposes in this act mentioned, upon the estates of the freeholders and inhabitants of any town in said county, unless such town, at a public town meeting, to be by the clerk thereof duly notified, shall by the vote of the same meeting, or a majority thereof, signify their consent, and transmit the same to the board of supervisors of said county, to be included within the provisions of this act: And all the powers, rights and privileges vested by this act in the supervisors of the said county, shall be vested in, and may be exercised by, the supervisors of the city of Troy, and of such towns in said county only, as shall so signify their consent thereto as aforesaid, for the use and benefit of the same city and towns, any thing in this act contained to the contrary thereof notwithstanding.

Act extended to other counties. *X. And be it further enacted,* That the powers conferred by this act, may be extended to, and exercised by, the boards of supervisors of the different counties in this state, respectively: *Provided however,* That the same shall not be exercised without the concurrence of two thirds of said boards, of which meeting, and the object thereof, at least six weeks notice shall be given in each town in said county, by affixing the same, signed by the clerk of the board, at three conspicuous places in said towns; which meeting the said clerks are hereby authorised to call, at the instance of a majority of the supervisors of the respective counties.

Proviso.

CHAP. LII.

AN ACT for the relief of Rudolph C. Cook and John T. Getman.

Passed March 3, 1820.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the supervisor of the town of Palatine, in the county of Montgomery, be, and he is hereby authorised and directed to discharge the said Rudolph C. Cook and John T. Getman, from the judgment and execution obtained against them, as the sureties of Henry H. Cook, late a collector of the said town of Palatine, on the payment by them of the costs of the said judgment and execution: *Provided however*, That nothing herein contained, shall be construed in any manner to release the said Henry H. Cook from any liability as collector of the said town of Palatine, in any manner incurred by him.

CHAP. LIII.

AN ACT for the relief of the settlers on the lands lately purchased by this state of the Stockbridge Indians.

Passed March 3, 1820.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be the duty of ^{Duty of land office.} the commissioners of the land office, to sell and convey, the lot occupied by each actual settler, upon the land lately purchased by the state, of the Stockbridge Indians, according to the appraisement made by Charles C. Broadhead, surveyor, and upon the conditions of payment prescribed by law, for the sales of unappropriated lands: *Provided*, That such occupants shall, within two months after the passing of this act, comply with the conditions of ^{Proviso.} sale, according to law.

CHAP. LIV.

AN ACT to amend "an act to provide for the inspection of distilled spirits," passed April 13, 1814.

Passed March 3, 1820.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the compensation allowed in and by the third section of the act hereby amended, to the inspector or deputy inspector of distilled spirits, shall be six cents for every cask inspected and marked, in the city of New-York, and twelve cents for every cask inspected and marked elsewhere: *Provided however*, That it shall be lawful for the said inspector or deputy, to receive the like compensation as is provided ^{Fees of inspector.} ^{Proviso.}

in the section before mentioned, in case any parcel of casks of spirits which he may be called upon to inspect, at any one time and place, shall be less in number than five.

CHAP. LV.

AN ACT *farther to amend an act, entitled "an act for the sale of certain unappropriated lands, in the county of Otsego," passed April 12, 1816.*

Passed March 3, 1820.

Privileges to
certain occu-
pants.

BE it enacted by the People of the State of New-York, re-presented in Senate and Assembly, That the occupants of the unappropriated lands, in the county of Otsego, lying on the south side of a tract of land granted by letter's patent, to Israel Spencer and others, shall, until the expiration of one year from the thirteenth day of April next, be entitled to the privileges granted to them by the first section of the act hereby amended: Provided however, That any person purchasing, agreeable to the provision of this act, shall pay interest on the sum at which such lands are appraised, from and after the thirteenth day of April next.

CHAP. LVI.

AN ACT *to vest certain powers in the freeholders and inhabitants of the village of Fort-Ann.*

Passed March 7, 1820.

Bounds of
village of
Fort Ann.

Powers of in-
habitants.

I. BE it enacted by the People of the State of New-York, re-presented in Senate and Assembly, That the district of country within the town of Fort-Ann, in the county of Washington, contained in the following bounds, that is to say, "beginning at the southeast corner of the bridge that crosses mud brook, near George Clark, Esquire, thence north down said brook, to its junction with half way brook; thence down the middle of said brook, to the east bank of the canal; thence south along the east bank of said canal, to the south line of lot number thirty-one, in the Artillery patent; thence westerly along said south line, to the southwest corner of the village, as laid out and surveyed by George Wray, and particularly described on a map of said village, now on file in the clerk's office of said town; thence northerly along the west boundary of said village, to the place of beginning; containing all the village lots and streets, as laid out and described on said map," shall hereafter continue to be known and distinguished by the name of the "Village of Fort-Ann:" and the freeholders and inhabitants residing within the same, qualified to vote at town meetings, may meet on the second Tuesday of May next, at the school house in said village; a notice whereof shall be made in writing, signed by a justice or justices of the peace, residing in said county, and put up in at least three public places, ten days before said se-

second Tuesday of May next, and then and there proceed to elect five discreet freeholders, residents within the said village, to be trustees thereof, who, when chosen, shall possess the several powers and rights herein after specified, and such justice or justices shall preside at such election, and declare the persons having the greatest number of votes, duly elected trustees: and on every second Tuesday in May, after the first election of trustees, there shall, in like manner, be a new election of trustees for said village, and the trustees for the time being, shall perform the duties required from the said justice or justices, in respect to notifying meetings, and presiding at such elections.

II. *And be it further enacted*, That all the freeholders and inhabitants residing in said village limits, be, and they are hereby constituted, ordained and declared to be from time to time, and forever hereafter, a body politic and corporate, in name and in fact, by the name and style of "Trustees of the village of Fort-Ann," and by that name, they and their successors forever shall and may have perpetual succession, and be persons in the law capable of suing and being sued, and of defending and being defended, in all courts and places whatsoever, and in all manner of actions, causes and complaints whatsoever; and that they and their successors may have a common seal, and may change and alter the same at pleasure, and shall be in law capable of purchasing holding and conveying any estate, real or personal, for the public use of said village, and for erecting any buildings, aqueducts, and digging any reservoirs for water for the use of said village, and for keeping in repair such buildings, aqueducts and reservoirs; for purchasing and keeping in repair fire engines, ladders, buckets and other instruments for extinguishing fire, for improving the streets, and for making any other regulations for preventing and extinguishing fires—preventing and removing nuisances, and for raising a sum by tax, for the purposes aforesaid, not exceeding two hundred dollars in any one year: *Provided nevertheless*, That no monies shall be raised, assessed or collected for the purposes aforesaid, and purchase or sale of any real estate be made, and no buildings or reservoir be made or disposed of, without the consent and approbation of the freeholders and legal voters of said village, or a major part of them, in open meeting, duly notified by the said trustees, by written or printed notices, to be put up in three public places in said village, at least one week previous to such meeting: *And provided further*, That any monies to be raised for improving the streets as aforesaid, shall be assessed, levied and collected in a just and equitable manner, of and from the owners and occupants of all the houses and lots adjoining such street or streets so to be improved, in proportion, as nearly as may be, to the advantages which each be deemed to acquire respectively, any thing in this act to the contrary notwithstanding.

III. *And be it further enacted*, That it shall be lawful for the trustees, or a major part of them, and their successors, to make, ordain, constitute and publish such prudential by-laws, rules and regulations as they from time to time shall deem meet and proper, and for the benefit of the said village, relating to the objects in the next preceding section, and such in particular as may relate to the restraining of geese, swine, horses or cattle of any kind, and

relative to any thing whatsoever that may concern the public and good government of said village, and not inconsistent with the laws of this state or of the United States ; and it shall be lawful for the trustees, or a major part of them, to ordain, constitute and publish such fines and forfeitures, for the breach of any such by-laws, rules and regulations as they may deem expedient : *Provided nevertheless*, That no such fines or forfeitures shall be inflicted, over and above the sum of one dollar, for any one offence against said by-laws.

Proviso. IV. *And be it further enacted*, That it shall be the duty of the said trustees and their successors, to assess on the freeholders and inhabitants, living in said village, the amount of the taxes which the freeholders and inhabitants shall, at any time of their said meetings determine, to be raised, levied or collected, in proportion to the property included within the limits of said corporation, of the inhabitants so to be assessed, and the advantages they shall respectively derive from said tax ; and they shall also execute the office of fire wardens of said village, in case of fire : *Provided*, That if any person shall deem himself or herself aggrieved by any such assessment as aforesaid, it shall be lawful for any such person to appeal from the determination of the trustees, to any three justices of the peace in said county, giving notice to said trustees of such appeal, and the time and place for determining thereof by said justices, who shall hear the same, and do therein what to justice shall appertain.

Taxes how regulated.

Fire wardens

V. *And be it further enacted*, That the freeholders and inhabitants qualified to vote for trustees, as aforesaid, at their annual meetings shall, and they are hereby authorized to choose one treasurer and one collector, being freeholders of said village ; and in case a vacancy should happen in either of the said offices, by death, removal from said village, or refusal to serve, the trustees shall have the power of appointing some other freeholder of said village, to supply such vacancy until the next annual meeting ; and the person so appointed, shall be liable to the same penalties and restrictions, as if duly elected at the annual meeting.

Treasurer & collector.

VI. *And be it further enacted*, That the trustees, treasurer and collector shall, before they proceed to execute their respective offices, and within ten days after their election, respectively take and subscribe an oath or affirmation, before any justice of the peace of said county, for the faithful execution of the office or trust to which they may be severally elected : *Provided nevertheless*, That the said treasurer and collector, before they take the oath or affirmation aforesaid, shall respectively give security to the trustees of the said village, for the discharge of their respective duties, in such sum as a majority of them shall deem sufficient.

To take an oath.

VII. *And be it further enacted*, That it shall be lawful for the said trustees of said village, or a majority of them, to appoint not exceeding twenty-five firemen, out of the inhabitants of the said village, and the same, or any of them, to remove at pleasure, and appoint others in their stead, to regulate the times of meeting and exercise of said company of firemen, to appoint their captain, and other officers, and to make such laws, rules and regulations for the government of said company, and inflict, ordain and establish such penalties for breaking or disobeying such by-laws, rules and reg-

Firemen.

ulations, as they may deem expedient : *Provided*, That no fine or penalty shall be inflicted on any fireman, exceeding one dollar for any one offence, and that the trustees shall have the power of remitting such fines and penalties, whenever a majority of them shall deem it proper.

VIII. *And be it further enacted*, That the trustees, within twenty days after their election, or a major part of them, shall, and it is hereby made their duty, to assemble at some convenient place in said village, and there to choose and appoint some one suitable person of their body to be president of the board of trustees, and some other suitable person to be clerk of said board of trustees ; and it shall be the duty of said president to preside at the meetings of trustees ; to order extraordinary meetings whenever he may conceive it for the benefit of said village ; to see that all laws and regulations of said village are enforced and faithfully executed ; to prosecute in the name of the trustees, all offences against or violations of the laws, ordained and published as aforesaid ; to keep the seal of said village, and to affix it, together with his signature, to all such rules and regulations, as a majority of the trustees shall deem proper ; and in case of the death, removal, or inability of the president to discharge the duties of his office, it shall be the duty of the treasurer to notify the other trustees of such removal, or inability, who shall, within ten days thereafter, meet and elect another president of their body, to hold his office until the next annual meeting ; and it shall be the farther duty of the said president to take care of, and preserve all the property belonging to said corporation ; to preside over all public meetings of said village, and to do all other things proper for the president of the said village to do ; and it shall be the duty of the clerk to keep the minutes of all such votes, rules, orders, and regulations as are made by the freeholders and inhabitants of said village, at their public meetings, and also to attend the meetings of the trustees, and record all by-laws, rules and regulations passed by them ; and the trustees shall have the power to remove such clerk, and appoint another in his stead, pro tempore ; and the clerk shall receive such compensation for his services as the trustees shall deem sufficient, to be paid out of the funds of the village.

IX. *And be it further enacted*, That the collector shall, within such time as shall be hereafter limited by the by-laws of the corporation, after the receipt of his warrant for collecting any tax that may have been ordered to be raised, collect and pay over the same to the treasurer, and that the collector shall have and exercise the same power in collecting said taxes by distress and sale, as the several collectors of towns have in the levying and collecting of taxes, and that all monies which may at any time be in the hands of the treasurer, shall be liable to be drawn out by the trustees or a majority of them, and applied agreeable to the provisions of this act.

X. *And be it further enacted*, That the said trustees shall keep an account of their necessary disbursements, and on exhibiting the same to the treasurer, shall be entitled to receive the amount thereof out of any monies in the treasury ; and the treasurer and collector shall receive for their several services, such suitable compensation.

sation as the freeholders and inhabitants of said village shall in their annual meeting determine; and that every fine and penalty imposed agreeable to the provisions of this act, may be sued for and recovered in the name of the trustees, in any action of debt, and to declare generally that the defendant is indebted to them by virtue of this act.

Fines how
collected, &c.

Fines to
whom paid.

XI. *And be it further enacted*, That all fines, penalties and forfeitures, and all monies obtained in any manner whatsoever, by virtue of this act, shall be paid into the hands of the treasurer, for the use of the said village; and the treasurer shall and he is hereby authorised, in case any person, having received any money, by virtue of this act, to and for the use and benefit of said village, shall refuse or neglect to pay the same to him, to prosecute every such offender in the name of the trustees of said village for monies had and received to and for the use of said village.

Duration of
office.

XII. *And be it further enacted*, That the trustees, treasurer and collector, to be elected by virtue of this act, shall hold their respective offices until the second Tuesday of May next after their election as aforesaid, and until a new election shall be made pursuant to this act, and until the officers so last chosen, shall take and subscribe the oath or affirmation, and give the security required by this act.

Competency
of jurors, &c.

XIII. *And be it further enacted*, That any justice of the peace of said county of Washington, residing in said village of Fort Ann, and any freeholder or inhabitant of said village of Fort Ann, shall be and hereby are declared competent respectively, to try or serve as jurors, or give testimony in any cause wherein the said trustees are parties, notwithstanding any remote interest they may have in the event of such suit, as members of the corporation of said village.

Highway
taxes.

XIV. *And be it further enacted*, That at least one third of the highway taxes to be hereby assessed upon the inhabitants of said town residing in said village, be laid out under the directions of the said trustees, or a majority of them, within the limits of said corporation: *And further*, That the commissioners of highways of said town, be and they are hereby authorized to allow more than the said one third of the said highway taxes, to be assessed upon the inhabitants of said town residing in said village, to be laid out within the limits of said corporation: *Provided*, the said commissioners, or a majority of them, shall conceive that more than the said one third thereof ought reasonably to be laid out within said limits.

Proviso.

Public act.

XV. *And be it further enacted*, That this act shall be and is hereby declared a public act.

CHAP. LVII.

AN ACT repealing the eleventh section of the act, entitled "*An act for regulating Trials of Issues, and for returning able and sufficient Jurors,*" passed February 25th, 1813, so far as the same may affect or apply to a Court of Oyer and Terminer herein after mentioned.

Passed March 7, 1820.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the eleventh section of the act, entitled "*An act for regulating trials of issues, and for returning able and sufficient jurors,*" passed February 25th, 1813, shall be and the same is hereby repealed, so far as the same may apply to a court of oyer and terminer appointed to be held in and for the county of Rensselaer, on the twenty-first day of March, one thousand eight hundred and twenty.

Certain section repealed as it relates to a court in Rensselaer.

CHAP. LVIII.

AN ACT to prevent the Fishing with Nets or Seines in certain parts of the Nine-Mile-Creek, in the county of Onondaga.

Passed March 7, 1820.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the first day of May next, it shall not be lawful for any person or persons whatsoever, to fish with nets or seines in the Nine-mile-creek, below the mill dam of Jonathan Russell, in the town of Marcellus, in the county of Onondaga, and any person offending herein shall, for every such offence, forfeit the sum of ten dollars, to be recovered by any person who will sue for the same, by an action of debt, with costs, before any court having cognizance thereof.

Fishing with nets, &c. prohibited.

CHAP. LIX.

AN ACT in addition to an Act, entitled "*An act for the Inspection of Fish, in the county of Jefferson,*" passed April 15, 1818,

Passed March 7, 1820.

I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the passing of this act, it shall and may be lawful for the inspectors or inspector of fish, in the county of Jefferson, to inspect fish for winter use, to be denominated and branded Corned Fish; and in all other respects to be inspected and branded in like manner as is provided by the act for the inspection of fish, passed March nineteenth, in the year one thousand eight hundred and eight, except as is hereby amended.

Inspection of fish for winter use.

Salt, and salt
petre, requir-
ed, and di-
mensions of
barrel.

II. *And be it further enacted*, That all fish put up in barrels and inspected for corned fish, shall contain for each barrel, twelve quarts of good salt, and two ounces of saltpetre : *And further*, That the barrels into which such corned fish shall be put up for sale, shall be of the same size and quality prescribed by the said act of March nineteenth, in the year one thousand eight hundred and eight.

Penalty for
violating act.

III. *And be it further enacted*, That if any person or persons shall offer any fish for sale in barrels, without having the same inspected, as is provided by the act for the inspection of fish in the county of Jefferson, passed April fifteenth, in the year one thousand eight hundred and eighteen, such person or persons shall be subject to the like forfeiture, and to be recovered in the same manner, as is provided by the third section of the aforesaid act.

CHAP. LX.

AN ACT to alter an Act, entitled "*An act for granting to Peter B. Garnsey a small Island in the Chenango river, and for other purposes*," passed April 8th, 1808.

Passed March 7, 1820.

Judges of Os-
wego to li-
cense a ferry.

BE it enacted by the People of the State of New-York, re-presented in Senate and Assembly, That from and after the passage of this act, the authority now vested in the judges of the court of common pleas of the county of Onondaga, by the third section of the act to which this is an amendment, wherein they are authorised and directed to license a certain ferry on the Oswego river, be and the same is hereby vested in the judges of the court of common pleas in and for the county of Oswego ; and that so much of the aforementioned act, as is inconsistent with the spirit and tenor of this amendment, be and the same is hereby repealed.

CHAP. LXI.

AN ACT explanatory of the third section of the act to incorporate the Delhi and Franklin Turnpike Company, passed April 9, 1819.

Passed March 7, 1820.

Mistake in a
name corrected.

BE it enacted by the People of the State of New-York, re-presented in Senate and Assembly, That Sluman Bartlett, instead of "*Sheman Bartlett*," is the person intended as one of the commissioners appointed by the third section of the said act.

CHAP. LXII.

AN ACT to incorporate the Troy Lyceum of Natural History.

Passed March 7, 1820.

WHEREAS the members of the Troy Lyceum of natural history have associated themselves together, for the purpose of encouraging the study, and of disseminating a knowledge of natural history, and the other sciences, and have petitioned for an act of incorporation : And whereas, the legislature deeming science closely and intimately connected with the common concerns of life, and highly conducive to the promotion of agriculture and the arts, consider it their duty to encourage so laudable an object : Therefore,

I. *BE it enacted by the People of the State of New-York,* Corporation erected.
represented in Senate and Assembly, That James Dalaby, Richard P. Hart, Isaac M'Conibe, Ely Burritt, George Tibbits, and such other persons as now are, and may from time to time become members, shall be, and hereby are constituted a body corporate and politic, by the name of "the Troy Lyceum of natural history," and Style and general powers.
 by that name, they shall have perpetual succession, and shall be persons capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and pleas whatsoever ; and may have a common seal, with power to change or alter the same from time to time ; and shall be capable of purchasing, taking possession of, holding and enjoying to them and their successors, any real estate, in fee simple, or otherwise ; and any goods, chattels and personal estate, and of selling, leasing or otherwise disposing of the said real and personal estate, or any part thereof, at their will and pleasure : *Provided* however, That the funds of the said corporation shall be used and appropriated to the objects contemplated in the preamble of this act : *And provided also,* That the clear annual income of such real and personal estate shall not exceed the sum of five thousand dollars. Proviso.

II. *And be it further enacted,* That the said society shall from time to time, forever hereafter, have power to make, constitute, ordain and establish such by-laws and regulations as they shall judge proper, for the election of their officers ; for prescribing their respective functions, and the mode of discharging the same ; for the admission of new members ; for the government of the officers and members thereof ; for collecting the fines, impositions and annual contributions from the members ; for regulating the times and places of meeting of the said society ; for suspending or expelling such members as shall neglect or refuse to comply with the by-laws or regulations ; and for the managing and directing the affairs and concerns of the said society : *Provided,* Such by-laws and regulations be not repugnant to the constitution and laws of this state, or of the United States. Powers of corporation. Proviso.

III. *And be it further enacted,* That the officers of the said society shall consist of a president, two vice-presidents, a recording secretary, a corresponding secretary, a treasurer, not less than three, nor more than five curators, and such other officers as the said society may judge necessary, who shall be annually chosen, Officers of corporation and election.

Vacancies.

and who shall continue in office for one year, or until others shall be elected in their stead : That if the annual election shall not be held on any of the days for that purpose appointed, it shall be lawful to make such election on any other day ; and that five members of the said society, assembling at the place and time designated for that purpose by the constitution, by-laws or resolutions of the said society, shall constitute a legal meeting thereof; and that in case a vacancy shall take place between the annual meetings, then it shall be lawful to fill such vacancy at any regular meeting, and the person or persons so chosen, shall continue in office until the next annual meeting, or until others shall be elected in their stead.

First officers.

IV. *And be it further enacted*, That John D. Dickinson, shall be the president, James Dalaby the first vice-president, David Bu-el, junior, the second vice-president, Obed Rice recording secretary, Amatus Robbins corresponding secretary, Albert Pawling Heartt, treasurer, and Moses Hale, Ira M. Wells and Amatus Robbins, curators, severally to be the first officers of the said corporation, who shall hold their respective offices until the second Monday of November next, and until others shall be chosen in their places.

Constitution of corporation.

V. *And be it further enacted*, That the present constitution of the said society, shall, after the passing of this act, continue to be the constitution thereof, and that no alteration shall be made therein, unless by a vote to that effect of three fourths of the resident members, and upon the request, in writing, of one third of such resident members, and submitted, at least one month before any vote shall be taken thereupon.

Right reserved.

VI. *And be it further enacted*, That the legislature may, at any time, modify or repeal this act.

CHAP. LXIII.

AN ACT to regulate Sheriff's fees in the county of Oswego.

Passed March 7, 1826.

Preamble.

WHEREAS, by the act, entitled " an act to erect a part of the counties of Oneida and Onondaga into a separate county, by the name of Oswego," passed March 1st, 1816, the said county of Oswego was divided into two jury districts, called the eastern and western districts: *And whereas*, on account of the great extent of the county of Oswego, the practice of computing sheriff's fees or mileage on writs, from the sheriff's office, operates as a great burthen on unfortunate debtors, living in parts of the said county of Oswego remote from the said sheriff's office: Therefore,

Further preamble.

Fees how computed.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the passing of this act, the mileage on all writs served in the county of Oswego, shall be computed from the court-house site in that jury district of the said county, in which such service shall be made : and the amount of mileage so computed, the sheriff's and coroner's of the said county are hereby authorised to charge and receive, and no more, any law or usage to the contrary notwithstanding.

CHAP. LXIV.

AN ACT to revive an act, entitled "*An act to invest certain powers in the freeholders and inhabitants of the Village of Oldenbarnveld, in the county of Oneida,*" passed April 9, 1819.

Passed March 7, 1820.

WHEREAS the freeholders and inhabitants aforesaid have neglected to choose trustees in pursuance of the first section of the said act, in consequence of which they cannot avail themselves of the powers thereby in them vested. Therefore,

I. *BE it enacted by the People of the State of New-York,* ^{Trustees to be chosen.} That it shall and may be lawful for the said freeholders and inhabitants to choose trustees on the first Tuesday of June next, in which case the above entitled act shall be and hereby is declared to be revived.

II. *And be it further enacted,* That the trustees, within twenty ^{Their duty.} days after their appointment or election as aforesaid, or a major part of them, shall, and it is hereby made their duty to assemble at some convenient place in said village, and there to choose and appoint some one suitable person of their body to be president of the said board of trustees; and it shall be the duty of the president, when present, to preside at the meetings of the trustees; to order extraordinary meetings of the trustees when he may consider it for the interest of said village; to hear and receive complaints of the breach of any of the laws of the said corporation; to see that all by-laws, rules and regulations of said village are enforced and faithfully executed; to prosecute, in the name of the trustees, all offenders against, or violaters of, the said by-laws; to keep the seal of the said village, and to affix it, together with his signature, to all such rules and regulations as a majority of the trustees may deem proper; and in case of the death, removal or inability of the president to discharge the duties of his office, it shall be the duty of the clerk to notify the other trustees of such death, removal, or inability, who shall, within ten days thereafter, meet and elect another president out of their body, to hold the office till their next annual meeting; and it shall further be the duty of the president to take care of, protect, and preserve all property belonging to said village as a corporation; to preside over all public meetings of the villagers for the above purposes, and to do all such other acts and things as may be proper for the president of the trustees to do. ^{Vacancies.}

CHAP. LXV.

AN ACT authorising the Commissioners of Highways in the town of South-Salem, to cause to be made and kept in repair a certain public Highway therein mentioned.

Passed March 7, 1820.

BE it enacted by the People of the State of New-York, ^{Road described.} represented in Senate and Assembly, That whenever the commis-

sioners of highways of the towns of North and South Salem, in the county of Westchester, shall lay out and open, pursuant to the act regulating highways, a public highway through the gap of East and West Long Pond mountains, between the said towns of North and South Salem, it shall be lawful for the commissioners of highways of the said town of South Salem, and they are hereby required, to cause to be made and kept in repair all that part of the said contemplated highway which lays in the town of North Salem, south of the south line of Ebenezer Purdy's land, in the same manner as if that part of the said road laid in the town of South-Salem.

CHAP. LXVI.

AN ACT to authorise the sale of certain Real Estate belonging to certain of the devisees of Peter Stuyvesant, deceased.

Passed March 7, 1820.

Preamble.

WHEREAS Benjamin Winthrop and Judith his wife, and Dirck Ten Broeck and Cornelia his wife, have represented to the legislature that Petrus Stuyvesant, formerly of the city of New-York, deceased, did, in and by his last will and testament, devise to the said Judith and Cornelia, each one equal undivided fourth part of his farm, called Leanderts, and of his salt meadows, on the south side of Stuyvesant's creek, in the then seventh ward of the city of New-York, to have and to hold to them and each of them severally, during their lives, with estates in remainder; that the said farm called Leanderts and salt meadows, has since been divided pursuant to the directions of the act of the legislature, entitled "An act for the relief of certain of the devisees of Petrus Stuyvesant, deceased," passed 16th April, 1816; and that one equal fourth part thereof has been conveyed to the said Judith Winthrop, and one equal fourth part thereof to the said Cornelia Ten Broeck, during their respective lives, and after their deaths to such person or persons, as by the said last will and testament shall be entitled to the same; and that in consequence of the opening and regulating, and paving streets and avenues through the same, and the regulating and levelling the grounds adjoining the said streets and avenues, the assessments, taxes and expenses far exceed the full annual income thereof, and by their petition have prayed that the legislature would authorise the sale of so much of the said real estate as from time to time may be necessary to defray the said taxes, charges and expenses; and it appearing to the legislature just and proper that part of the said real estate should be sold for the purposes aforesaid, and that it will be beneficial to all the parties interested in the same: Therefore,

Authority to convey certain estate.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be lawful for Judith Winthrop and Cornelia Ten Broeck, or either of them, under the directions and authority of the chancellor of this state, to sell and convey in fee simple, such part or parts of the real estate, conveyed to them severally, and mentioned in the recital of this*

act, as in the judgment of the said chancellor may be necessary to pay and discharge the assessments, taxes and expenses imposed, assessed or levied on the said premises; and also for the purpose of defraying any expenses that may necessarily be incurred in regulating and levelling any part of their several proportions of the said real estate, adjoining any of the streets or avenues intersecting the same.

It. And be it further enacted, That no sale shall be made by virtue of this act until the party for whose benefit such sale shall be intended, shall cause a bond to be executed, with two sufficient sureties, to be approved by the chancellor, in such sum as the chancellor shall direct, conditioned for the true and faithful application of the monies arising from such sale, according to the intent and meaning of this act; which bond shall be filed in the office of the register, or assistant register of the court of chancery, for the use of the persons hereafter respectively interested in the said real estate, by virtue of the said last will and testament of the said Petrus Stuyvesant.

Bond to be given before sale.

Conditions.

CHAP. LXVII.

AN ACT altering the time of holding the October Term of the Court of Common Pleas and General Sessions of the Peace in Putnam county.

Passed March 7, 1820.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the October term of the court of common pleas and general sessions of the peace in and for Putnam county, shall hereafter be held on the second Tuesday in October in each year, instead of the third Tuesday in October.

Term when held.

CHAP. LXVIII.

AN ACT to prevent the destruction of Fish in the towns of Ancram and Taghkanick, in the county of Columbia.

Passed March 7, 1820.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall not be lawful for any person or persons at any time before the first day of May, which will be in the year one thousand eight hundred and twenty-four, to erect any dam or dams, set any nets, seines or fikes, or make a weir or other obstructions in the streams, creeks, or outlets of ponds, in the towns of Ancram and Taghkanick, in the county of Columbia, whereby the fish may be diverted or prevented from passing their usual course in said streams, creeks, or outlets; and any person offending herein, shall, for every such offence, forfeit the sum of twenty-five dollars, to be recovered with costs of suit, by the overseers of the poor of the town in which the

Dams, nets, &c. prohibited in certain streams.

offence may be committed, in an action of debt, before any court having cognizance thereof; the one half of which forfeiture when recovered, shall be paid to the informer, and the other half to the said overseers of the poor, for the use of the poor of their town.

CHAP. LXIX.

AN ACT for the protection of the Salt Meadows, in the town of Orange, and county of Rockland.

Passed March 7, 1820.

Fences and
ditches au-
thorized.

I. BE it enacted by the People of the State of New-York, re- presented in Senate and Assembly, That from and after the passing of this act, it shall be lawful for the owners and possessors of all that tract of salt meadow, situate in the town of Orange, in the county of Rockland, and which is included between the Eel kill, (so called,) on the south, the Slote creek and point of Taulman's mountain, on the north, and the partition line between the owners of the upland and salt meadows, on the west, to erect fences, or cut ditches, or both, as may be thought most useful, around such part of said meadows as now is, or may hereafter become necessary to guard against horses, cattle, sheep or swine, and to keep in repair the private road, the swinging gates, the fences and bridges on the south side of, and near the said Slote creek.

Road, &c. to
be kept in
repair.

Meetings how
called and
held.

II. And be it further enacted, That it shall be lawful for any one or more of the proprietors of said meadows to call a meeting of said proprietors and possessors of said meadows, by giving ten days notice of such meeting, in an advertisement to be signed by such person or persons who may call such meeting, and putting up the same in six conspicuous places, three in said town of Orange, and three in the town of Harrington, in the state of New-Jersey, which advertisement shall express the time and place of such meeting, and the object of the same, and which meeting shall be held in the said town of Orange, which owners or possessors, or such as shall assemble in pursuance of such notice, shall when met, proceed to elect, by a plurality of votes, five persons, being owners of some part of said tract, managers, to cause to be made and kept in repair, the roads and bridges, and also the fences or ditches, necessary to enclose said tract, and for the purpose of making assessments herein after mentioned, and superintending the expenditure of all the monies to be received and paid for the purposes aforesaid, and to superintend and manage generally the interest of said owners or possessors of said meadows; which said managers so elected, shall continue in office until the first Monday of April, one thousand eight hundred and twenty-one, when a new election shall take place; and so on the first Monday in April, in each year afterwards, at such place as shall be agreed upon by a majority of said persons assembled at a previous annual meeting: and said persons thus chosen managers shall continue in office until others are chosen.

Managers to
be chosen,
and their
duty.

Meetings
when to be
held.

III. *And be it further enacted*, That the persons so elected as aforesaid managers, shall by virtue of this act, be authorised to make an estimate of the part of the tract benefitted by such enclosure, shall ascertain the number of acres as accurately as they can, which each individual owns or possesses therein, and which may, in their opinion be benefitted by such enclosure, which estimate when made, shall be by the said managers fairly entered in a book to be kept for that purpose, in which book shall be entered the names of the persons, from time to time elected to superintend the proceedings as aforesaid; and all assessments shall be made according to the first assessment, until the same is altered by a majority of the owners and possessors of said tract, assembled in regular meeting.

Estimate or assessment to be made.

IV. *And be it further enacted*, That as soon as any assessment is made, and the sum which each individual has to pay is ascertained, it shall be the duty of said managers to demand from each individual, his or her proportion, either personally, or by leaving a statement thereof at his or her dwelling house; and on failure of payment thereof for thirty days after such demand or notice, it shall be lawful for such managers to sue for, and recover the same, in their own names, from each individual so assessed and notified, together with the costs of prosecution, before any court of competent jurisdiction in said county of Rockland.

Duty of managers, to demand same, and to sue therefor.

V. *And be it further enacted*, That the managers shall annually account to the owners for all monies which have come to their hands as aforesaid, and shall pay over the balance remaining in their hands to their successors, together with the book directed to be kept by them, immediately on their going out of office, under the penalty of fifty dollars, to be sued for and recovered by their successors, with costs of suit, and to be applied by them, when recovered, to the purposes contemplated by this act.

Managers to account annually and how.

VI. *And be it further enacted*, That if any horses, cattle, sheep or swine shall be found running at large, in any part of the tract enclosed as aforesaid, it shall and may be lawful for any owner or possessor of any part of said tract, to take and drive the same to any public pound, in the town of Orange, and shall as soon as may be, make an affidavit, stating that the same were taken running at large on said tract; and in such affidavit, shall give a description of the animal so taken and impounded, which affidavit shall be left with the pound keeper when the same are empounded, and the person empounding shall be entitled to receive for every head so empounded, the sum of one dollar, to be collected by the pound master from the owner, or from the sale of the beasts so empounded, and which shall be the amount of the damages to be paid on such occasion; and the pound master is directed to receive such beasts, and proceed in the same manner as is directed in and by the twenty-first section of the act relative to the duties and privileges of towns; and he shall be entitled to the same fees, and subject to the same penalties for the neglect of duty, as are given in and by said act.

Cattle, &c. when & how to be empounded.

Duty of pound master, and fees.

VII. *And be it further enacted*, That if any person or persons shall drive or let in any horses, cattle, sheep or swine, within the said tract, after it shall have been enclosed as aforesaid, with an intent to run at large therein, such person or persons shall be sub-

Driving cattle, &c. into the said tract declared a trespass.

Subject to
treble dam-
ages.

Damages re-
covered how
appropriated.

ject to an action of trespass, to be brought in the name of the managers aforesaid, and be liable to pay treble damages, to be assessed by a jury, in any court having cognizance of the same, together with the costs of prosecution.

VIII. *And be it further enacted*, That the damages and penalties recovered by virtue of this act, shall be appropriated and applied, from time to time, towards making and repairing the roads and bridges, and also, the fences and ditches, deemed necessary to enclose said tract.

CHAP. LXX.

AN ACT to amend an act, entitled "*an act to incorporate the village of Utica*," passed April 7, 1817.

Passed March 7, 1820.

12 additional
firemen au-
thorised.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for the board of trustees of the village of Utica, to appoint twelve firemen, in addition to the number authorised to be appointed by the act hereby amended, and have power to remove the same firemen, and appoint others in their stead, which firemen so appointed, shall enjoy the same privileges as are allowed to firemen in and by the aforesaid act hereby amended.

A cession of
part of a
turnpike, au-
thorised.

II. *And be it further enacted*, That it shall and may be lawful for the board of trustees of said village, for, and on behalf of the freeholders and inhabitants of said village, to receive from the president and directors of the Seneca turnpike company, a cession or grant of so much of the Seneca turnpike road as lies within the bounds of said village, or any portion of the same, within the limits of said village; the evidence of such cession or grant shall be in writing, under the seal of the said turnpike company, and signed by the president thereof, and recorded in a book of records of deeds, in the office of the clerk of the county of Oneida, and that from and after the time of recording the evidence of the said cession or grant, the said turnpike company shall be discharged from all further responsibility and expense in keeping in repair said road so granted, and that the same shall from thence forward be considered a public highway of said village.

To be re-
corded.

CHAP. LXXI.

AN ACT further to amend an act entitled "*an act for giving relief in cases of Insolvency*," and also, to amend an act, entitled "*an act to abolish imprisonment for debt, in certain cases*."

Passed March 7, 1820.

Certain oath
may be taken
before any
judge.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the oath mentioned in the fifth section of the act, entitled "*an act for giving relief in cases of insolvency*," passed April 12th, 1813, and the oath

mentioned in the second section of the act, entitled "an act to abolish imprisonment for debt in certain cases," passed April 7th, 1819, and the proof of the residence of any person applying for the benefit of either of the said acts, may, in cases where such application is made by a debtor, either in actual confinement, or confined to the limits, be taken, before any judge of the court of common pleas, of the county in which the person so applying shall reside, any thing in the act hereby amended to the contrary notwithstanding.

CHAP. LXXII.

AN ACT concerning certain highways in the town of Kingsbury.

Passed March 7, 1820.

WHEREAS, the proprietors of the said township of Kingsbury, at the time they laid out the town plot, (so called) into lots, did reserve certain portions of their lands, for roads or streets, for the benefit of the several owners of the said lots, which said reservations are designated on the map and survey of said town, which map and survey are on file in the secretary's office: And whereas, the commissioners of highways of said town, did, on the ninth day of September, one thousand eight hundred and eight, pursuant to the statute in such case provided, cause such streets or roads to be ascertained, surveyed and recorded, and order the same to be opened accordingly: And whereas, the roads and streets thus distinguished by said commissioners, have not been opened and worked within the period prescribed by the twenty-third section of the act, entitled "an act to regulate highways:" Therefore,

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the doings of the commissioners of highways, within and for the town of Kingsbury, on the ninth day of September, one thousand eight hundred and eight, in relation to the roads by them ascertained and directed to be opened, in the town plot, (so called,) within said township of Kingsbury, be held valid and in full force, any limitation thereof to the contrary notwithstanding; and that the individuals interested in having the said roads opened, agreeable to the true intent and meaning thereof, may proceed to open and work the same as public roads or highway.

Certain proceedings confirmed.

CHAP. LXXIII.

AN ACT authorising George M'Clure to continue or rebuild a dam now erected across the Conhocton river.

Passed March 7, 1820.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That George M'Clure is hereby authorized to erect a dam or continue and keep in repair

Dam to be erected, and how.

the dam now erected across the Conhocton river, in the county of Steuben, about one mile above the village of Bath, on the land owned by the said George M'Clure, said dam not to exceed two feet six inches in height, for the purpose of supplying his mills and woollen manufactory with a sufficiency of water to drive the same: *Provided*, That the said George M'Clure shall erect an apron or lock in said dam, of such construction as to render the passage safe and easy for rafts, arks and boats, common in said river, at all times during the continuance of said dam: *And provided further*, That if the passage aforesaid shall at time be obstructed, the grant hereby intended to be made shall be absolutely void: *Provided*, That nothing herein contained shall be construed to authorise the said George M'Clure to raise his dam in a manner that shall overflow the lands of any other person; and that it shall be lawful for the legislature, at any time, to repeal or modify this act.

CHAP. LXXIV.

AN ACT to alter the time of holding the town meeting in the town of Argyle, in the county of Washington.

Passed March 10, 1820.

First Tuesday of April for town meeting.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the first day of April next, the annual town meeting in the town of Argyle, in the county of Washington, shall be holden on the first Tuesday of April, in each year; and that all such town officers, whose duty it was to meet on the last Tuesday of February, shall meet on the last Tuesday of March, to do and transact such business as to their respective offices appertain.

CHAP. LXXV.

AN ACT for the relief of Harvey Durkee.

Passed March 10, 1820.

600 dols. payable to H. Durkee.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That if the New-Stockbridge Indians, with the consent of the peace-makers and superintendents, shall release and convey all their right and claim to three hundred acres of the land by them possessed, to be located in a square, to the people of this state, then it shall be lawful for the treasurer to pay, on the warrant of the comptroller, the sum of six hundred dollars to Harvey Durkee, in full of his demand against the said Indians, admitted to be justly due from them to him.

CHAP. LXXVI.

AN ACT requiring the Surrogates in the several counties in this state to give security.

Passed March 10, 1820.

I. *BE it enacted by the People of the State of New-York, re-* Surrogate of N. York to give security in 10,000 dols
presented in Senate and Assembly, That from and after the first day of July next, it shall not be lawful for the surrogate of the city and county of New-York to execute the duties of his office without having first executed to the people of this state a bond, with two or more sureties, being freeholders in this state jointly and severally, in the penal sum of ten thousand dollars, to answer to the people of this state, and the parties, if any will complain, for the faithful and legal application and payment of all monies and effects which may come into the hands of such surrogate, in the execution of his office.

II. *And be it further enacted,* That it shall not be lawful after the first day of July next, for any surrogate of any other city or county in this state, to execute the duties of the said office without first entering into the like bond to the people of this state, in the penal sum of five thousand dollars, with two or more sureties, being freeholders, jointly and severally to answer to the people of this state, and the parties, if any will complain, for the faithful application and payment of all such monies and effects as may come into his possession in the execution of the said office, which said bond shall be filed in the office of the clerk of the county where any such surrogate shall be appointed, and such bond shall there remain a matter of record. Other surrogates in 5000 dols.

III. *And be it further enacted,* That if any surrogate hereafter appointed, in any of the counties of this state, shall not within twenty days after receiving notice of such appointment, execute such bond, he shall be deemed to have refused to take the said office; and it shall be the duty of the clerk of such city or county, immediately after the expiration of the said twenty days, to give notice thereof to the person administering the government of this state. Bond not given, deemed a refusal to act.

IV. *And be it further enacted,* That it shall be lawful for the surrogate of any city or county, having given such bond as aforesaid, to continue in the discharge of the duties of such office, until his successor in the said office shall give such bond. Incumbent to act, till successor gives bond.

V. *And be it further enacted,* That the bonds required by this act, shall be approved by the clerk of the city or county in whose office the same shall be filed, and a certificate of such approval shall be endorsed thereon, before the same shall be deemed a compliance with this act; and such certificate shall not be given until the said clerk shall be satisfied by the oath of the sureties thereto, or otherwise, that they are good and sufficient. Bonds how approved.

CHAP. LXXVII.

AN ACT for the relief of Nathaniel Sill, late Treasurer of the county of Niagara.

Passed March 10, 1820.

Certain re-
turns to be re-
ceived.

**I. BE it enacted by the People of the State of New-York, re-
presented in Senate and Assembly,** That it shall be lawful for the comptroller of this state to receive the returns of the arrearages of the tax of the year one thousand eight hundred and eighteen, of the county of Niagara, which were last year transmitted to his office after the time prescribed by law for that purpose: *Provided*, such new returns shall be made at any time before the first day of May next; and the same, if so made, shall be as valid as if originally made within the time prescribed by law.

Proviso.

Niagara bank
bills receiva-
ble from N.
Sill.

II. And be it further enacted, That it shall be lawful for the treasurer of this state, to receive from the said Nathaniel Sill, on account of any monies due to this state from the county of Niagara, the sum of two thousand one hundred and sixty-four dollars, received by him, whilst treasurer of said county, in notes of the Bank of Niagara: *Provided*, That before the treasurer shall credit the said Sill, or receive such notes, the said bank shall secure or cause to be secured, the redemption of the said notes, within two years from the first day of May next, with interest annually thereon from the first day of May last, by a mortgage or mortgages, judgment or judgments on real estate, within this state, to the satisfaction of the attorney-general and comptroller.

Proviso.

CHAP. LXXVIII.

AN ACT to incorporate the Lake Erie Steam-Boat Company.

Passed March 10, 1820.

Corporation
created.

**I. BE it enacted by the People of the State of New-York, re-
presented in Senate and Assembly,** That Asa H. Center, Nathaniel Davis, Ralph Pratt, William Duraut, John Meads, Robert M'Queen, Alexander M. Muir, Noah Brown, and Samuel M'Coun, and their associates, and all persons who now are or hereafter may be holders of the stock herein after mentioned, are hereby declared to be a body corporate, by the name of "the Lake Erie Steam-Boat company," and so to remain and continue until the eleventh day of April, in the year of our Lord one thousand eight hundred and thirty-eight; and shall be capable of purchasing, holding and disposing of real and personal estate, necessary for the objects of the incorporation; and the said steam-boat, together with all the property, goods, chattels, effects and debts whatsoever, and owing or at any time belonging to the Lake Erie steam-boat company, are hereby vested in the above mentioned corporation: *Provided*, The business of the said corporation shall not be transacted in any place other than Lakes Erie, St. Clair, Michigan and Huron, and the streams connecting those lakes and the Niagara river.

Style and ge-
neral powers.

Proviso.

II. *And be it further enacted*, That the capital stock of the said corporation shall not exceed the sum of seventy-six thousand dollars, to be divided into shares of two hundred dollars each, of which shares the present stockholders or associates shall have a number equal to the interest which they respectively hold, or may from time to time hold in the actual capital or stock of the said petitioners and their associates employed in the steam-boat navigation.

Capital stock.

III. *And be it further enacted*, That the affairs of the said corporation shall be conducted and managed by not less than five, nor more than seven directors, who shall be stockholders, and shall be chosen annually on the second Monday of December, in each and every year, by the stockholders, which election shall be by ballot, and each stockholder in such election, shall be entitled to one vote for each share he owns at the time of such election, and that until the second Monday of December one thousand eight hundred and twenty, Asa H. Center, Nathaniel Davis, William Durant, John Meads, Alexander M. Muir and Noah Brown shall be the directors of the said corporation, and shall continue to be the directors until others shall be duly elected.

Officers.

Election.

First officers.

IV. *And be it further enacted*, That the directors aforesaid, and those who may from time to time be elected, or a majority of them, shall as soon as may be after their election, appoint one of their number to be president; and that a majority of the directors, for the time being, shall form a board or quorum for the transacting all affairs and business of the said corporation, and a majority of those present shall have power to make such by-laws, (not inconsistent with the laws of this state or the United States,) and to appoint such officers, agents, clerks and servants as may be necessary, respecting the transferring the stock of the said corporation, and the paying of dividends thereon, for the ordering, regulating and conducting the affairs of the said corporation, and the persons employed by them, and for the election of directors; and if any election of directors should not at any time be made when pursuant to this act the same ought to be made, the directors for the time being shall continue directors until others are elected.

President and powers of corporation.

V. *And be it further enacted*, That nothing herein contained shall be taken to authorise the said corporation to employ any part of the capital for banking purposes, or for any other object than for those connected with the navigation herein before mentioned.

Banking, &c. prohibited.

VI. *And be it further enacted*, That the members of the said corporation shall be liable, individually, in the same manner as carriers, at common law, for the safe transportation of all goods, wares and merchandize, delivered to the agents of such corporation, and for all contracts which shall be made by such agents, relating to the business of the said corporation.

Individuals of corporation liable, as carriers.

VII. *And be it further enacted*, That the legislature shall have power at all times to modify, amend or repeal this act.

Rights reserved.

CHAP. LXXIX,

AN ACT relative to the Minisink and Montgomery Turnpike Road Company.

Passed March 10, 1820.

Part of the
road abandoned.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly.* That the president, directors and company of the Minisink and Montgomery turnpike road, in the county of Orange, shall have full power and lawful authority to abandon that part of said turnpike road, commencing at the east end thereof, in the town of Montgomery, from thence opposite to the dwelling house of George W. Pelton, in the town of Walkill, and that the same be made a public highway.

Who to work
such part so
abandoned.

II. *And be it further enacted,* That it shall be the duty of the commissioners of highways, in the towns of Montgomery and Walkill, and they are hereby required to form the said road into one or more road districts, in their respective towns, and to attach to said district or districts, persons residing on and adjacent to said road, (not exceeding one mile from said road) liable to work on highways, that on a fair assessment of labor, shall be sufficient to keep the said road in ample repair.

Full toll gate
authorized, &
where.

III. *And be it further enacted,* That the president, directors and company of the said turnpike road, shall have full right and lawful authority to keep up a full toll gate, between the dwelling house of George W. Pelton and the Shawangunk mountain, and to receive the same tolls as at a gate for ten miles of said road.

Number of di-
rectors reduced.

IV. *And be it further enacted,* That at the next anniversary day of choosing directors of said company, and at every anniversary day thereafter, it shall and may be lawful for the stockholders of said company to make choice of five, instead of seven directors, for the purpose of managing the concerns of said company, and that three of the five directors shall be a quorum, and capable of transacting the business of said company, any thing in the act heretofore passed to the contrary notwithstanding.

Public act.

V. *And be it further enacted,* That this act shall be considered a public act, and construed in all courts favourably and benignly for the purposes herein intended.

A turnpike
gate authorized,
& where.

VI. *And be it further enacted,* That it shall not be lawful for the president, directors and company of the Minisink and Montgomery turnpike road, to place a turnpike gate on the said turnpike road not abandoned by this act, within sixty rods of the dwelling-house of George W. Pelton, in the town of Walkill.

CHAP. LXXX.

AN ACT to alter the time of holding Town Meetings in the town of Marcellus, in the county of Onondaga.

Passed March 10, 1820.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That after the first Tuesday of April next, the annual town meetings of the freeholders and inhabitants of the town of Marcellus, in the county of Onondaga, shall be held on the first Tuesday of March; and that all such town officers whose duty it is to meet on the last Tuesday in March, shall meet on the last Tuesday in February, in every year, to do and transact such business as to their respective offices may appertain.

1st Tuesday
of April for
town meeting

CHAP. LXXXI.

AN ACT to amend an Act, entitled "An Act to prevent the destruction of Deer," passed 25th February, 1813.

Passed March 10, 1820.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the fourth section of the act, entitled "An act to prevent the destruction of deer," be and the same is hereby repealed, so far as it affects the county of Suffolk.

4th section
repealed as to
Suffolk.

CHAP. LXXXII.

AN ACT to enable the Mayor, Recorder, and Aldermen, of the city of New-York, to raise Money by a Tax.

Passed March 10, 1820.

I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the mayor, recorder, and aldermen of the city of New-York, as the supervisors of the city and county of New-York, or a majority of them, of whom the mayor or recorder shall be one, shall be and hereby are empowered, as soon as conveniently may be, after the passing of this act, to order and cause to be raised, by tax, on the estates, real and personal, of the freeholders and inhabitants of, and situated within said city, and to be collected, a sum not exceeding one hundred and forty-thousand dollars, to be applied to the support and maintenance of the poor of said city and county; the support and maintenance of criminal persons; the support and repairs of the bridge and penitentiary of the said city; the repairing and taking care of other public buildings of the said city, belonging to and under

140,000 dollars.
to be raised,
and for what
purposes.

the custody and care of the mayor, aldermen and commonalty of the city of New-York ; the making, regulating, repairing and improving the public roads in the said city and county ; the defraying other contingent expenses arising within and properly chargeable to the said city and county ; and for the defraying the expenses which the mayor, aldermen and commonalty of the said city of New-York may sustain or be put to in executing the powers vested in them by the act, passed the ninth day of April, one thousand eight hundred and thirteen, entitled " An act to reduce several laws relating particularly to the city of New-York, into one act ;" and also such further sum, by a tax as aforesaid, as is required to be raised by a tax in the said city, for the support of common schools ; and as may be necessary for supplying the deficiencies of taxes upon any and every of the wards of the said city, imposed or laid during the year one thousand eight hundred and nineteen, owing to the insolvencies of the collectors of the said wards, or any or either of them, or their inability to collect the said tax, and also for defraying the whole of the expense of collecting the taxes to be raised as aforesaid ; such deficiencies as aforesaid, however, to be assessed on the estates, real and personal, of the inhabitants of, and situated within the said wards respectively where they shall happen as aforesaid ; and also a further sum not exceeding one hundred and ten thousand dollars, by a tax on the estates, real and personal, of the freeholders and inhabitants of, and situate within the said city, to the southward of a line beginning at the North river, at a place called Decklyne's ferry, a little to the northward of the state-prison, and running thence easterly, in front of the new bank houses, to the road called Sandy-hill road, and through the said road to the northward of Pottersfield and the house of William Neilson, to Broadway ; through Broadway to Thirteenth-street, and through Thirteenth-street to the East river, including the lots fronting on both sides of the line thus designated ; to be applied to the payment of so many watchmen as the mayor, aldermen and commonalty of the city of New-York, in common council convened, shall appoint and employ, for watching and guarding the said city ; to the purchasing of oil, providing lamps, and putting up the same, and repairing, cleansing and lighting those which now are, or may hereafter be erected within that part of the said city last described ; to the cleansing and repairing public wells and pumps in the said city, and to the defraying the other contingent expenses arising within, and properly chargeable to that part of the said city to the southward of the line aforesaid, as the said mayor, aldermen and commonalty, in common council convened, may from time to time direct ; and also such further sum, by a tax as aforesaid, as may be necessary for supplying the deficiencies of taxes upon all that part of the said city to the southward of the line aforesaid, during the year one thousand eight hundred and nineteen, owing to the insolvencies of the collectors of the said wards, or any or either of them, or their inability to collect the said tax ; and also for defraying the expenses of collecting said taxes ; such deficiencies however to be assessed on the estates, real and personal, of the freeholders and inhabitants of, and situate within the said wards respectively where they shall happen as aforesaid, to the southward of the line aforesaid,

Also a further
sum not ex-
ceeding 110,
000 dolls. &c.

II. *And be it further enacted*, That the said several sums of money shall be assessed in manner directed by the act, entitled "An act for the assessment and collection of taxes;" and each person's tax in one ward shall be collected in one payment, and the monies so collected paid into the hands of the treasurer or chamberlain of the said city, at such times after the passing of this act, as the said mayor, recorder and aldermen, as the supervisors of the city and county of New-York, or a majority of them, of whom the mayor or recorder shall be one, shall appoint and direct.

III. *And be it further enacted*, That it shall be lawful for the collectors of the first, second and third wards of the said city, to retain in their hands three cents on each dollar by them collected; the collectors of the fourth, fifth, sixth, seventh, eighth and tenth wards of the said city, to retain in their hands five cents on each dollar by them collected; and the collector of the ninth ward of the said city, to retain in his hands six cents on each dollar by him collected, and no more, as a full compensation to each of the said collectors respectively, for their trouble in collecting and paying to the said treasurer or chamberlain, the monies which shall be raised by virtue of this act.

IV. *And be it further enacted*, That whenever any tax of any description, on the estates, real or personal, of the freeholders and inhabitants of, and situated within the said city, shall remain unpaid on the day upon which the collectors are limited by law to account for the collection of the same, and the collector of the ward in which the same shall be charged, shall make such affidavit in relation to the said tax, as is specified in the eleventh section of the act, entitled "An act for the assessment and collection of taxes," passed April 5th, 1813, an interest after the rate of fourteen per cent. per annum, to be calculated from the date of the bond of the collector of the ward in which the same was charged, shall be added to the said tax: *And further*, that it shall be lawful to enforce the collection of the said taxes and interest, and also all taxes heretofore imposed upon the personal estate of the inhabitants of said city, in the manner prescribed in and by the act, entitled "An act for the more effectual collection of taxes and assessments in the city of New-York," passed April 12th, 1816.

Fees of collectors.

14 per cent to be added to delinquents in paying.

Former taxes &c. how enforced.

CHAP. LXXXIII.

AN ACT for the relief of the Commissioners appointed under the Act to improve the Great Northern State Road.

Passed March 10, 1820.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the comptroller is hereby authorized and directed to cause to be paid to Israel Johnson, Azel Abel, and James Starbuck, commissioners appointed under the act of 1814, to improve the great northern state road, the sum of one hundred and fifty-seven dollars and fifty-five cents, out of

1572. 55c. to be paid to J. Johnson, &c.

the debt due the state from James Caldwell, Esquire, for money expended in finishing a new road, over and above the said grant.

CHAP. LXXXIV.

AN ACT to incorporate the North River Steam-Boat Company.

Passed March 10, 1820.

- Corporation created.** I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That Robert L. Livingston, John Townsend, Henry Eckford, Joseph Radman Drake, William James, and Cadwallader D. Colden, and their associates, and all persons who now are, or hereafter may be, holders of the stock herein after mentioned, are hereby declared to be a body corporate, by the name of "The North River Steam-Boat Company;" so to remain and continue until the eleventh day of April, in the year one thousand eight hundred and thirty-eight.
- Style and duration.**
- Capital stock.** II. *And be it further enacted,* That the capital stock of the said company shall consist of and be divided into one thousand shares, of six hundred dollars each; of which shares the present stockholders, or associates, shall have a number equal to the interest which they now respectively hold, or may from time to time hold, in the capital or stock of the said company.
- Officers.** III. *And be it further enacted,* That the affairs of the said corporation shall be conducted and managed by five directors, who shall be annually chosen or elected by the stockholders, on the first Monday of May, in every year, which election shall be by ballot, and each stockholder entitled to one vote for each share he may own at the time of such election; and that until such election shall be held, the concerns of the said corporation shall be conducted by the stockholders as heretofore hath been usual.
- President, & powers of corporation.** IV. *And be it further enacted,* That the directors aforesaid, or a majority of them, and those who may from time to time be elected, or a majority of them, shall, as soon as may be after their election, appoint one of their number to be president; and shall have power to make such by-laws, not inconsistent with the laws of this state, or of the United States; and to provide by by-laws, or otherwise, for the appointment of such officers, agents, clerks and servants, as may be necessary, for transferring the stock of the said corporation, and the better ordering, regulating and conducting the affairs of the said corporation, and the election of directors; and if an election of directors should not be made when, pursuant to this act, the same ought to be made, the directors for the time being, shall continue to be directors until others be elected.
- Restrictions and limitation of powers.** V. *And be it further enacted,* That nothing in this act contained shall be taken to authorise the said corporation to employ any part of their capital for banking purposes; nor shall it be construed as in any wise recognizing, altering or extending any privileges or rights, which the present owners of stock may possess in relation to the navigation of the Hudson or North river;

nor shall any thing in this act contained, be construed to exonerate the respective stockholders, for the time being, from being liable to the owners of any goods, wares, merchandize, produce, or articles which may be carried on freight in any of the steam-boats of the said company, for any loss or damage happening to such goods, wares and merchandize, but that the said stockholders shall be liable to be sued for any such loss or damage, as if this act had never been made.

VI. *And be it further enacted*, That it shall not be lawful for the said corporation to employ any part of their said capital stock, in building, equipping, or navigating any boats, vessels, or water craft, for the purpose of carrying freight ; and that it shall not be lawful for the said corporation to employ any of their boats or vessels now in use, for the purpose of carrying freight, or otherwise than is now used by the persons now owning or navigating vessels by steam, in the North or Hudson river. Further restrictions.

VII. *And be it further enacted*, That if the rights, powers and privileges of the respective proprietors or stockholders of the steam-boats employed in the navigation of the Hudson river, as at present possessed and exercised in pursuance of any agreement, contract, or authority whatever, are not continued and secured to them by by-laws or otherwise, as fully under this incorporation, as they are entitled thereto before the passing of this act, it shall and may be lawful for the party aggrieved to make application to the chancellor, who shall have power and authority to order the directors of this incorporation to carry the requisitions of this section into effect ; and in case they shall refuse so to do, the said chancellor shall have power and authority to declare this act null and void ; and thenceforth this law shall be taken and deemed to be null and void. When chancellor may dissolve corporation.

VIII. *And be it further enacted*, That the legislature shall have power at all times to modify, amend, or repeal this act. Rights reserved.

CHAP. LXXXV.

AN ACT for the preservation of Fish in the Chenango river, in the county of Chenango.

Passed March 10, 1820.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That from and after the passing of this act, it shall not be lawful for any person or persons to take or catch any fish in the Chenango river, or any cove adjoining the same, in the said county of Chenango, by spearing the same, in the months of April or May in each and every year. Spearing fish prohibited.

II. *And be it further enacted*, That if any person or persons shall take any fish in any of the said waters, contrary to the provisions of the preceding section of this act, he or they shall for every offence forfeit the sum of ten dollars, to be sued for and recovered by any person who will prosecute for the same, in an action of debt, in his own name, with costs of suit, in any court having cognizance thereof ; the one half, when recovered, to be paid Penalty.

to the overseers of the poor of the town in which such forfeiture shall be recovered, and the other half to be for the use and benefit of the person who shall so prosecute for and recover the same.

CHAP. LXXXVI.

AN ACT to divide the town of Batavia, in the county of Genesee.

Passed March 14, 1820.

Town of Elba erected.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That from and after the day preceeding the first Tuesday in April next, all that part of the town of Batavia, in the county of Genesee, known and distinguished by the thirteenth townships in the first and second ranges, including that part of the Tonnewanta reservation lying east of the division line between the second and third ranges, and north of the division line between the twelfth and thirteenth tiers of townships in the Holland company's purchase, be and is hereby erected into a separate town by the name of Elba; and the first town meeting shall be held at the house of Nehemiah Ingersoll, in said town.

Poor and poor monies to be divided.

II. *And be it further enacted*, That as soon as may be, after the first Tuesday in April next, the supervisors and overseers of the poor of the towns of Batavia and Elba, on notice first to be given by the said supervisors for that purpose, shall meet together, and divide the money and poor belonging to the said town of Batavia, previous to the division of the said town, agreeable to the last tax list, and that each of the said towns shall for ever thereafter respectively maintain their own poor.

A certain road divided.

III. *And be it further enacted*, That it shall and may be lawful, and it is hereby made the duty of the commissioners of highways of the town of Batavia, and the commissioners of highways of the town of Elba, to divide the road running along the division and between the said towns, and to have the said division of the aforesaid road certified by the said commissioners, of which certificate duplicates shall be made, one to be filed with the town clerk of each of the aforesaid towns; and thereafter such part of the aforesaid road as falls on such division to either of the said towns, shall be included in their respective road districts, and be kept in repair by such town to whom the same shall belong by such division, notwithstanding that part of the aforesaid road may not immediately be included in, or lay within the line of the town to which the said part of the road shall belong on such division, and that every penalty incurred for refusal or neglect to work on the said road, shall and may be enforced the same as if the said part of the road laid within the line of the aforesaid town.

CHAP. LXXXVII.

AN ACT to increase the Stock of the President, Directors and Company of the Mohawk Bridge and Ballston Turnpike.

Passed March 14, 1820.

I. *BE it enacted by the People of the State of New-York, re-* Stock to be presented in Senate and Assembly, That it shall be lawful for the president, directors and company of the Mohawk bridge and Ballston turnpike to increase their stock twenty thousand dollars, by voluntary subscriptions, in such a manner as the said president and directors shall deem proper. *Provided always,* That the present stockholders of the said company shall be entitled to a preference in subscribing for the said stock, within the time which shall be prescribed by the said president and directors for receiving such subscriptions. increased 20,000 dols. and how.

II. *And be it further enacted,* That in case the said increased stock cannot be obtained by voluntary subscriptions, it shall be lawful for the said president and directors to contract with any person or persons who will enter into such contract, and give satisfactory security for the fulfilment thereof, to rebuild the said bridge, and to keep the same, together with the turnpike, in good repair, at their private expense, and to assign to such contractor or contractors, for his or their remuneration, all the tolls which may be receivable at the said bridge by virtue of the original act incorporating the said company, or any amendments thereto, for such a period of time as the said president and directors, and such contractor or contractors, may agree on. Corporation may assign tolls on certain conditions.

CHAP. LXXXVIII.

AN ACT to amend an Act, entitled "An Act appointing Commissioners to lay out a Road therein mentioned, within the counties of Lewis and Jefferson."

Passed March 17, 1820.

I. *BE it enacted by the People of the State of New-York, re-* D Canfield and others appointed commissioners. *presented in Senate and Assembly, That David Canfield, of the town of Denmark, Tyrannus A. Wright, of the town of Pinkney, and Sandford Safford, of the town of Harrisburgh, in the county of Lewis, be and they are hereby appointed commissioners under the act, entitled, "An act appointing commissioners to lay out a road therein mentioned, within the counties of Lewis and Jefferson," passed April 17th, 1816, instead of Robert McDowell, Eber Lucas, and Abel Cole, the commissioners mentioned in said act; and that they, or any two of them, be and they are hereby authorised and empowered to carry into effect the provisions of the act hereby amended.*

II. *And be it further enacted,* That each of the said commissioners shall receive one dollar and fifty cents for each and every day they shall necessarily spend in improving said road. Their compensation.

CHAP. LXXXIX.

AN ACT to amend an Act, entitled "*An Act authorising the building of a Toll-Bridge over the Oswego river,*" passed March 28, 1817.

Passed March 17, 1820.

Time for
completing
bridge extended two
years.

BE it enacted by the People of the State of New-York, re- presented in Senate and Assembly, That the time limited in the act to incorporate the "*Oswego Union Bridge Company,*" for the erecting and completing the said bridge, shall be and is hereby extended to two years from and after the passing of this act ; and if the said bridge be completed within the said two years, the said act of incorporation shall be and remain in full force, any thing contained therein to the contrary notwithstanding.

CHAP. XC.

AN ACT for the relief of *Elizur Stanley.*

Passed March 17, 1820.

Certain re-
turns from
E. Stanley to
be received.

BE it enacted by the People of the State of New-York, re- presented in Senate and Assembly, That it shall be lawful for the treasurer of the county of Onondaga, and he is hereby required to receive at any time before the first day of June next, from *Elizur Stanley,* the returns of the non-resident lands, charged with taxes in the town of *Fabius,* in the same manner and form as if said returns had been made within the time limited by law for collectors to make returns ; and the said treasurer is hereby required to transmit the said returns to comptroller within twenty days after receiving the same ; and the comptroller is hereby authorised and required to accept said returns, in the same manner as if they had been received within the time limited by law for the treasurers of counties to make returns.

CHAP. XCI.

AN ACT to authorise the *Rector, Church-Wardens and Vestrymen of Trinity Church, in the city of New-York,* to sell certain real estate.

Passed March 24, 1820.

Preamble.

WHEREAS, the rector, church-wardens and vestrymen of *Trinity Church,* in the city of *New-York,* have, by their petition represented, that they are seised of a certain farm, in the town of *Florida,* in the county of *Montgomery,* (commonly called the *Fort-Hunter church farm*) in trust, that they should apply the rents, issues and profits thereof towards the support or maintenance of the minister or ministers of such congregation, in communion with the protestant episcopal church, in the state of *New-York,* as the said

rector, church-wardens and vestrymen should think most advisable, and as should be most conducive to the promotion of religion, according to the doctrine and discipline of the said church, or if they should think most proper so to do, that they should suffer the said farm to be occupied as a glebe by such minister or ministers.

And whereas, the said rector, church-wardens and vestrymen have further represented, that they have for several years past permitted the said farm to be used as a glebe by the minister of St. John's church, in Johnstown, in the county of Montgomery, but that the said farm is too remote from Johnstown, to be occupied as a glebe by the said minister : That the same is much out of repair, and will require great reparation, for the expenses of which no provision is made by the said trust, conveyance or otherwise ; and that if by any means the said farm could be put in tenantable condition, the rent would be very inconsiderable, compared with the interest of the money which might be obtained on a sale thereof : and that the intentions of the donors would be promoted by such sale: The said rector, church-wardens and vestrymen have therefore prayed for an act, to authorise the sale of the said farm, in which petition the corporation of St. John's church, in Johnstown, have united.

Further recital.

And whereas, the prayer of the said petition appears reasonable : Therefore,

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be lawful for the said rector, church-wardens and vestrymen of Trinity church, in the city of New-York to sell the said farm, and to invest the proceeds thereof in government-stock or other securities, to the end, that the yearly interest and income thence arising, may be forever hereafter applied in the same manner as is required by the said trust, in respect to the rents, issues and profits of the said farm.

Monies invested in stock.

In trust.

CHAP. XCII.

AN ACT for the relief of James Peck.

Passed March 24, 1820.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the comptroller of this state be, and he is hereby authorised to settle with James Peck for the amount that may be due from him to the state, as the consideration money for lot number fifty, in the northwest part of the Oneida reservation, in the same manner he would have been authorised to do by the contract of John Mooney for the same lot, dated August seventh, one thousand eight hundred and four, reducing the amount of the security or contract given on the sale of the said premises at vendue, and charging the said James Peck with all costs incurred in consequence of such sale ; and that the securities or contract on the said lot, when so reduced, shall remain the same as if no sale of the premises had ever taken place.

J. Peck to settle for amount due on lot No. 50, in Oneida reservation.

CHAP. XCIII.

AN ACT for the relief of the President, Directors and Company of the Seneca Lock Navigation.

Passed March 24, 1820.

243 shares to
be subscribed
by the state.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the comptroller be, and is hereby authorised and required to subscribe two hundred and forty-three additional shares of the stock in the Seneca lock navigation company, to enable the president and directors to discharge the debts owing by the said company, and to complete the whole of the navigation within two years from the passing of this act.*

Subscription
to be paid.

Proviso.

II. *And be it further enacted, That the treasurer shall, on the warrant of the comptroller, pay to the treasurer of the Seneca lock navigation company, or to his order, the amount of the said stock subscribed: Provided always, That the comptroller shall not draw his order on the treasurer for the amount thereof, unless he shall first have satisfactory proof that the same shall have been actually and faithfully paid and expended by the company on said locks and canals, and in discharge of their debts as aforesaid.*

CHAP. XCIV.

AN ACT authorising the sale within this state, of a limited number of the tickets in the lottery authorised by an act of the legislature of the state of Pennsylvania, entitled "an act to enable George Murray, Gideon Fairman, John Draper, Robert Buld and Thomas Underwood, co-partners in the firm of Murray, Fairman and company, engravers, of the city of Philadelphia, to dispose of certain books, maps, plates and prints by way of lottery."

Passed March 24, 1820.

2666 may be
sold, & how

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be lawful for any person or persons to sell and dispose of tickets in the lottery authorised by said act: Provided, every ticket which may be sold, shall be first endorsed by the secretary of the board of lottery managers of this state; and the proprietors of the said lottery, before they sell or cause to be sold any of the said tickets within this state, shall deliver the number which they propose selling within this state, (not exceeding two thousand six hundred and sixty-six) to the secretary of the board of managers of the lotteries of this state, with a list of the numbers thereof, and the said secretary shall endorse the said tickets, and return them to the said proprietors; and it shall be lawful for him to demand and receive for endorsing the said tickets, one cent for each and every ticket.

CHAP. XCV.

AN ACT *relative to the Medical Societies of the counties of Seneca and Onondaga.*

Passed March 24, 1820.

WHEREAS the medical society of the county of Seneca has inadvertently changed the time of holding their anniversary meeting, contrary to the act, entitled "an act to incorporate medical societies, for the purpose of regulating the practice of physic and surgery in this state." *Preamble.* And whereas, considerable business has been done by the said society since the altering of the time of holding their said anniversary meeting, whereby great inconvenience and mischiefs are likely to ensue : Therefore,

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That all the meetings and proceedings of the said medical society of the county of Seneca, since the changing of the time of holding their anniversary meeting as aforesaid, shall be, and are hereby declared as valid and effectual in law, as if the time of holding their annual meeting had never been altered or changed, any law to the contrary notwithstanding, and the anniversary day of the meeting of said society shall hereafter be the first Tuesday of June annually. *Certain proceedings confirmed.*

II. *And be it further enacted,* That the anniversary meeting of the Onondaga medical society, shall hereafter be held on the second Tuesday of June, any law to the contrary notwithstanding. *Anniversary meeting.*

CHAP. XCVI.

AN ACT *to amend an act, entitled "an act to prevent horse racing, and for other purposes therein mentioned," passed March 19, 1802, as far as it respects the town of New-Utrecht, in the county of Kings.*

Passed March 24, 1820.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That from and after the passing of this act, the owner or owners of every horse, mare or gelding, that shall be used or employed in horse racing for the trial of speed, within the town of New-Utrecht, in the county of Kings, by his or their privity or permission, whether such racing be for any bet or stakes in money, goods, chattels or other valuable thing or not, shall forfeit for every race so run, the value of every such horse, mare or gelding so employed as aforesaid, to be recovered and applied in the same manner as is directed in and by the third section of the act hereby amended. *Horse racing, &c. in New-Utrecht prohibited.*

II. *And be it further enacted,* That all racing or running of horses, mares or geldings for trial of speed, within the town of New-Utrecht aforesaid, whether the same be for any bet or wager, *Declared a misdemeanor, &c.*

or not, shall be deemed and adjudged a misdemeanor, and the parties concerned therein shall be punished by fine or imprisonment, at the discretion of any court having cognizance thereof.

CHAP. XCVII.

AN ACT to extend an act, entitled "an act to improve the agriculture of this state," passed April 7, 1819, and for other purposes.

Passed March 24, 1820.

Act extended
four years.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That the act, entitled "an act to improve the agriculture of this state," passed April 7, 1819, be and is hereby extended, with all and singular its provisions, with the exception of the eighth and last clause, for the period of four years, from and after the expiration of the aforesaid act.

500 dols. ap-
propriated
for books, &c.

II. *And be it further enacted,* That the treasurer of this state shall pay, on the warrant of the comptroller, to the board of agriculture, out of the unexpended balance of money appropriated for the promotion of agriculture and family domestic manufactures within this state, five hundred dollars, to enable them to purchase such books as they may deem necessary to aid them in publishing their annual volume, and in the diffusion of correct agricultural information.

Recital.

Whereas the counties of Niagara and Cattaraugus were not included in the apportionment made by the first section of the act, entitled "An act to improve the agriculture of this state," whereby the sum of ten thousand dollars is appropriated in the manner prescribed in and by said act. Therefore,

175d per year
for 5 years,
appropriated
to two coun-
ties.

III. *Be it further enacted,* That the additional sum of one hundred and seventy-five dollars per year, for the space of five years, from the seventh of April, one thousand eight hundred and twenty, shall be and hereby is appropriated for the promotion of agriculture and family domestic manufactures, to be distributed in manner following, to wit: to the county of Niagara, one hundred and thirty-five dollars, to the county of Cattaraugus, forty dollars: *Provided,* the said counties of Niagara and Cattaraugus shall form an agricultural society, and in all things comply with the requisites of the act for encouraging the agriculture of this state.

Proviso.

Rights reserved.

IV. *And be it further enacted,* That the legislature may at any time, amend or repeal this act.

CHAP. XCVIII.

AN ACT to incorporate the Consistory of the Reformed Presbyterian Church in the city of New-York.

Passed March 24, 1820.

BE it enacted by the People of the State of New-York, re-
presented in Senate and Assembly, That the members of the religious society now belonging, or who at any time hereafter shall belong to the congregation of the reformed presbyterian church in the city of New-York, from and immediately after the passing of this act, shall be and hereby are constituted a body corporate and politic, in fact and in law, by the name, style and description of "The consistory of the reformed presbyterian church in the city of New-York;" and that the said consistory shall be the present minister, elders and deacons of the said congregation for the time being, and their successors; and shall by and in their name aforesaid, have, hold, enjoy and possess, all and singular the rights, privileges, liberties and powers as trustees, and be subject to the like duties as are mentioned and described in and by the act, entitled "An act to provide for the incorporation of religious societies," passed April 5th, 1813; and to hold property in the manner particularly mentioned in and by the said act; the rents, issues and profits whereof shall not annually exceed, in the whole, the sum of five thousand dollars. *Provided*, That they shall not at any time determine or alter the minister's salary, or the annual rent of pews in the church, but that the same shall be always subject to the vote of the congregation, any thing in the said act to the contrary notwithstanding.

Corporation created.

Style and general powers.

Proviso.

CHAP. XCIX.

AN ACT erecting a new Town from parts of Batavia and Le Roy, in the county of Genesee.

Passed March 24, 1820.

I. BE it enacted by the People of the State of New-York, re-
presented in Senate and Assembly, That such parts of the towns of Batavia and Le Roy, as are contained in the following bounds, to wit: Beginning at the northeast corner of the town of Bethany, thence running west along the bounds of said town to the southwest corner of lot number eleven, in the third section of township number twelve, in the first range of townships on the Holland purchase; thence due north to the south line of township number thirteen, along the road leading from John Debois' to Smith's mills; thence east along the south line of said township number thirteen, to the west line of the town of Bergen; thence east along the south line of the said town of Bergen, to the northeast corner of lot, one hundred and sixteen, on what is commonly called the Pulteney tract; thence due south on the lines of intervening lots, to the south line of the town of Le Roy, at the southeast corner of

Town of Stafford erected.

lot. number eight, in the tenth range of what is commonly called the Cragie tract ; thence west on the line between the towns of Le Roy and Covington, to the east line of the town of Bethany ; thence north on the transit line, and the east line of the said town of Bethany, to the place of beginning, be and hereby are erected into a new town by the name of Stafford ; and the first town meeting to be held at the house of D. & I. Donalds, in said town ; and that all the remaining parts of said towns of Batavia and Le Roy shall be and remain separate towns, by the names of Batavia and Le Roy.

Poor & poor monies to be divided.

II. *And be it further enacted*, That as soon as may be after the first town meeting, the supervisors and overseers of the poor of the said towns respectively, on notice being given for that purpose by the supervisors of the towns of Batavia and Le Roy aforesaid, shall meet together and divide the money and poor belonging to the said towns of Batavia and Le Roy, previous to the division thereof, agreeable to the last tax list ; and that each of the said towns shall for ever thereafter respectively maintain and support their own poor.

CHAP. C.

AN ACT to incorporate the Albany Savings Bank.

Passed March 24, 1820.

Preamble.

WHEREAS William James, Charles R. Webster, Jesse Buel, John Townsend, and Joseph Alexander, have by their petition presented to the legislature, prayed for an act to incorporate them and their associates, under the style of "The Albany Savings Bank," for the purpose of receiving on deposit such sums of money as may from time to time be offered by tradesmen, mechanics, labourers, minors, servants, and others, and vesting the same in government securities, or in stock of the United States or of this state, for the use, interest and advantage of said depositors and their legal representatives : And whereas the legislature is willing to cherish such institutions as have for their object the encouragement of industry and economy, and the promotion of good morals. Therefore,

S. Van Rensselaer and others incorporated.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Stephen Van Rensselaer, William James, Joseph Alexander, John Townsend, Charles R. Webster, Jesse Buel, Thomas Russell, Volkert P. Douw, John W. Yates, William Durant, Douw Fonda, Simeon De Witt, Peter Boyd, John Spencer, John L. Winne, William M'Harg, Matthew Gill, Harmanus Bleeker, and Silvanus P. Jermain, and their associates, shall be and are hereby constituted a body corporate and politic, by the name of "The Albany savings bank ;" and by that name they shall have perpetual succession ; and shall be persons capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever ; and may have a common

seal, with power to change and alter the same from time to time ; and shall be capable of purchasing, taking, holding and enjoying to them and their successors, any real estate in fee simple or otherwise, and any goods, chattels, and personal estate, which shall be necessary for the purposes above recited ; and of selling, leasing, or otherwise disposing of the said real and personal estate, or any part thereof, at their pleasure : *Provided always*, That the clear Provide, annual value of such real and personal estate, exclusive of the profits that may arise from the interest accruing upon the stock, or from the sale of any stock in which the deposits made in said bank may be invested, shall not exceed the sum of five thousand dollars ; and that the trustees or managers of said institution shall not, directly or indirectly, receive any pay or emolument for their services ; nor shall they issue any notes, make any discounts, or transact any business which belongs to, or is transacted by, incorporated banks, other than is herein specified : *Provided also*, That the funds of the said corporation shall be used and appropriated to the promotion of the object stated in the preamble to this act, in the manner herein mentioned, and those only. Officers to receive no pay.

II. *And be it further enacted*, That the said association Deposits. so incorporated, shall receive as deposits, from persons of the description contained in the recital to this act, all sums of money that may be offered for the purpose of being invested as aforesaid, which shall be invested accordingly ; and shall be repaid to each depositor when required, and at such times and with such interest, and under such regulations, as the board of trustees to be appointed as is hereinafter mentioned, shall from time to time prescribe ; which regulations shall be put up in some public and conspicuous place in the room where the business of the said corporation shall be transacted, but shall not be altered so as to affect any deposit which shall have been previously made ; no president or vice-president, trustee or accountant, shall, directly or indirectly, borrow or use the funds of the corporation, except to pay necessary current expenses ; and all certificates or evidences of deposit, made by the proper officer, shall be as binding on the corporation as if they were under their common seal ; and the said corporation shall from time to time have power to make, constitute, ordain and establish by-laws and regulations, as they shall judge proper, for the election of their officers, for prescribing their respective functions and the mode of discharging the same ; for regulating the times and places of meeting of the officers and trustees ; and for transacting, managing and directing the affairs of the institution : *Provided*, such by-laws and regulations are not Provide. repugnant to this act, to the constitution and laws of this state, or of the United States : *Provided further*, That it shall be the duty of the trustees of the said bank to regulate the rate of interest to be allowed to the depositors, so that they shall receive a rateable proportion of all the profits of the said bank, after deducting therefrom all necessary expenses authorised by this act to be incurred.

III. *And be it further enacted*, That the officers of the said institution shall consist of a president and three vice-presidents, who together with fifteen trustees, shall constitute a board of managers, five of whom, provided the president or one of the vice-presidents be present, assembling at the time and place designated by the Officers.

by-laws or regulations of the institution, shall constitute a legal meeting thereof.

First officers. IV. *And be it further enacted*, That Stephen Van Rensselaer shall be president, William James first vice-president, Joseph Alexander second vice-president, and John Townsend third vice-president; and that Charles R. Webster, Jesse Buel, Thomas Russell, Volkert P. Douw, John W. Yates, William Durant, Douw Fonda, Simeon De Witt, Peter Boyd, John Spencer, John L. Winne, William M'Harg, Matthew Gill, Harmanus Bleecker, and Silvanus P. Jermain, shall be the first managers of said institution: And in case of a vacancy by death, resignation or otherwise, among the said officers and trustees, such vacancy shall be filled by ballot by the board of managers, at their first regular meeting thereafter; and the person having the majority of the whole number present and voting, shall be considered as duly elected, and not otherwise; and the said board shall from time to time appoint a fit person as an accountant of the institution, removable at pleasure, who shall give such reasonable security for his fidelity and good conduct, as the board of managers may from time to time require, and they may if necessary appoint a clerk to assist him.

Powers of trustees.

V. *And be it further enacted*, That the board of trustees shall have power to appoint a clerk or clerks, and such other officers and servants as they may deem necessary for conducting the affairs of the institution, and to remove them at their pleasure, and to appoint others in their places, and to fix the salaries of such clerks or other officers so appointed.

Minors.

VI. *And be it further enacted*, That it shall be lawful for said corporation, at their discretion, to pay to any depositor, being a minor, such sums as may be due to such depositor, not exceeding two hundred and fifty dollars, notwithstanding that no guardian shall have been appointed for such depositor, and that the receipt or acquittance of such minor shall be as valid as if the same were executed by a guardian of such minor duly appointed: *Provided*, such deposit shall have been personally made by such depositor, and not by any other person for his or her benefit.

Report.

VII. *And be it further enacted*, That it shall be the duty of this corporation to make an annual report to the legislature, and to the common council of the city of Albany, of the state of their funds.

Books.

VIII. *And be it further enacted*, That the books of the said corporation shall at all times be open to the comptroller of this state, and to such other person or persons as the legislature may from time to time designate, for inspection and examination.

Public act.

IX. *And be it further enacted*, That this act is hereby declared to be a public act, and that the same shall be construed, in all courts and places, favorably and benignly for every beneficial purpose therein mentioned; and that no misnomer of said corporation in any deed, gift, grant or demise, or other instrument of contract or conveyance, shall vitiate or defeat the same: *Provided*, the corporation shall be sufficiently described to ascertain the intention of the parties: *And provided also*, That the legislature may at any time hereafter amend or repeal this act and dissolve the said corporation, or vary or modify its powers, as to them shall seem fit and proper.

CHAP. CI.

AN ACT authorising the Mayor, Aldermen and Commonalty of the city of New-York to create a public stock.

Passed March 24, 1820.

BE it enacted by the People of the State of New-York, re- A stock of 400,000 dollars to be created.
presented in Senate and Assembly, That it shall be lawful for the mayor, aldermen and commonalty of the city of New-York, to create a public fund or stock, not exceeding four hundred thousand dollars, in addition to the sum authorised to be created in and by the act, entitled "an act to regulate the finances of the city of New-York," passed June 8, 1812, which said stock shall be denominated "the New-York city stock," and shall bear an interest not exceeding six per cent. per annum, which shall be paid quarter yearly: *And further,* That all the provisions of the said act, which are not here-in otherwise provided for, shall have the same force and effect, to all intents and purposes, relative to the stock hereby authorised to be created, which they would have had provided the said act had been incorporated with, and made part of this act: *Provided always,* Proviso. That nothing herein contained shall be so construed as to deprive the holders of stock, created by said act, of any lien which they are entitled to by said act, upon the revenues of the said mayor, aldermen and commonalty.

CHAP. CII.

AN ACT to repeal the act, entitled "an act for the preservation of the Fishery in Salmon River," passed April 15th, 1814.

Passed March 24, 1820.

Preamble,
 WHEREAS it is represented by certain persons, inhabitants of the county of Oswego, interested in the salmon fishery, in the Salmon river, that the act passed April 15th, 1814, for the preservation of the fishery in said river, in its effects is found by experience, to be detrimental and injurious to said fishery: Therefore,

BE it enacted by the People of the State of New-York, re- Act repealed.
presented in Senate and Assembly, That the act entitled, "an act for the preservation of the fishery in the Salmon river," passed April 15th, 1814, be, and the same is hereby repealed.

CHAP. CIII.

AN ACT to empower the President, Directors and Company, of the City Bank of New-York to reduce their Capital Stock.

Passed March 24, 1820.

Preamble.

WHEREAS the president, directors and company of the city bank of New-York, have, under their common seal, represented that the capital stock of the said bank is too great to be at present beneficially employed, either to them or the public, and have prayed that they may be authorised to reduce the same : Therefore,

Stock may be reduced to 1,250,000 dls.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for the president and directors of the said corporation, to reduce the capital stock of the said corporation, from two millions of dollars, to one million two hundred and fifty thousand dollars, at such time or times, and in such manner, and subject to such regulations as the president and directors of the said corporation may prescribe and adopt ; and when, and as soon as the said capital shall be so reduced to one million and two hundred and fifty thousand dollars, it shall be the duty of the said corporation to give notice thereof, under their corporate seal, to the comptroller of this state, whereupon, and from thenceforward, the capital stock of the said corporation shall be and consist of one million two hundred and fifty thousand dollars.

Notice to be given to comptroller.

Debts incurred, to be limited.

II. *And be it further enacted*, That the total amount of the debts, which the said corporation shall at any time, after the said reduction of the said capital stock, owe, whether by bond, bill, note or other contract, shall not exceed three times the amount of the said capital stock, which may be so reduced as aforesaid, and in case of such excess, the directors, under whose administration it shall happen, shall be liable for the same, in their separate and private capacities ; but this shall not be construed to exempt the said corporation, or any estate, real or personal, which they may hold in a body corporate, from also being liable for such excess, but such directors as shall have been absent when the said excess was contracted, or who may have dissented from the resolution or act whereby the same was so contracted, shall not be liable.

Penalty.

CHAP. CIV.

AN ACT to repeal an act for the preservation of fish in certain natural ponds of water, in South-Salem, in Westchester county.

Passed March 24, 1820.

Certain act repealed.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the act, entitled " an act for the preservation of the fish in certain natural ponds of water in South-Salem, in Westchester county," passed February 27th, 1818, be, and the same is hereby repealed.

CHAP. CV.

AN ACT *declaring certain parts of the Ithaca and Geneva Turnpike Road to be a public Highway.*

Passed March 24, 1820.

WHEREAS the president and directors of the Ithaca and Geneva turnpike company have, by their memorial to the legislature represented, that they are duly authorised by the stockholders of said company, to surrender up to the public, and abandon certain parts of their turnpike road; and the said president and directors have, in the exercise of such authority, resolved to abandon certain parts of their said turnpike road, described in their said memorial, on condition the same be declared a public highway: Therefore,

Preamble.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That all that part of the Ithaca and Geneva turnpike road, situate between the south end of said road, in the village of Ithaca, and the foot of the West hill, comprising a distance of about one mile, and all that part of said road situate between a point, fifteen miles northwesterly from the foot of the hill before mentioned, and the north end of the said road, in the village of Geneva, is hereby declared to be a public highway: And it shall be the duty of the commissioners of highways, in the several towns through which the said highway passes, to district and cause the same to be worked and repaired in the same manner as other highways are districted, worked and repaired: *Provided however,* That nothing in this act contained shall be construed to defeat, destroy or impair any of the rights and privileges of the said turnpike company in and to the fifteen miles of said turnpike road by them retained: *Provided however,* and this act is upon the express condition, that the consent of a majority of the commissioners of highways, of the several towns through which such part of the said road as is proposed to be abandoned, passes, shall first be obtained in writing to such abandonment, and filed with the clerks of the respective towns.

Part of road described.

Duty of commissioners of highways.

Proviso.

Further proviso

CHAP. CVI.

AN ACT *to incorporate a Female Seminary in the Village of Catskill.*

Passed March 24, 1820.

WHEREAS David Porter, Moses I. Cantine and others, have associated themselves for the laudable purpose of establishing a female seminary in the village of Catskill, for the diffusion of female education: Therefore,

Preamble.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That David Porter, Moses I. Cantine, and all such other persons as now are, or shall hereafter become members of the said society, shall be, and hereby are ordained, constituted and declared to be a body corporate and politic, in fact and in name, by the name of the "Catskill Female

Corporation created.

Style and general powers.

Provide.

Seminary," and by that name they and their successors forever hereafter, shall and may have succession, and by that name shall and may be persons in law capable to sue and be sued, plead and be impleaded, answer and to be answered unto, defend and be defended in all courts and places whatsoever, in all manner of actions, complaints, matters and causes whatsoever; and they and their successors may have a common seal, and may change and alter the same at their pleasure; and that they and their successors by their name, shall be forever capable in law to purchase, take, receive, hold and enjoy any estate, real and personal, whatsoever, to the use of them and their successors: *Provided always*, That the yearly income of the real and personal estate and hereditaments held by the said corporation, do not, or shall not at any time exceed the sum of ten thousand dollars; and that they and their successors shall have full power and authority to lease such real estate and hereditaments, on such terms as they shall deem most beneficial; and also, to dispose of all such personal estate, at their will and pleasure, as shall appear to them most advantageous for promoting the purposes of the said institution.

Trustees.

II. *And be it further enacted*, That there shall be for ever hereafter, eleven trustees of the said corporation, who shall conduct and manage all the affairs thereof; and the first trustees shall be David Porter, Moses I. Cantine, Thomas O. H. Croswell, Benjamin W. Dwight, Nathan Elliot, Orrin Day, Isaac N. Wyckoff, Thomas B. Cooke, Samuel Stanton, Joseph Prentiss, and John Adams, who shall hold their offices until the first Tuesday of May, in the year eighteen hundred and twenty-one; and the trustees of the said corporation for the time being, shall have power to establish a school in the said village of Catskill, for the purposes aforesaid, whenever they or a majority of them shall judge it expedient.

Elections.

III. *And be it further enacted*, That on the first Tuesday of May, eighteen hundred and twenty-one, and every year thereafter, on the first Tuesday of May, there shall be a general meeting of the members of said corporation, at some convenient place in the village of Catskill, to be fixed on by the by-laws of the said corporation, and by a majority of them as shall so meet, they shall by ballot elect eleven of their members to be trustees of the said corporation for the year next ensuing; and the said trustees shall have power to choose out of their own number a president, a treasurer, and a secretary, who shall immediately enter on their said offices, and hold the same from the time of their election for and during the space of one year, and until others shall be elected in their stead; and in case of any of the persons so elected to be trustees of the said corporation shall die or resign before the time of their appointed service expires, or shall refuse or neglect to act in, or execute the said office, then and in every such case, the remaining trustees of the said corporation shall within thirty days thereafter, by ballot elect other or others of the members of said corporation, instead of him or them so dying, resigning, refusing or neglecting to act; and that such person or persons as shall have the greatest number of votes at every such election, shall hold their said offices from the time of such election until the first Tuesday of May then next ensuing, and until another or others shall be chosen in

President and other officers.

their stead : *Provided always*, That at each first meeting of the said trustees, after every annual election, it shall be in their discretion to appoint an additional number of trustees, not exceeding four.

IV. *And be it further enacted*, That the trustees of the said corporation may make all such by-laws, rules and regulations for the government and regulation of the said corporation and its affairs, and for the management and disposal of the property and estate of the said corporation, as they may deem requisite to promote the designs and intent of establishing this corporation ; and the same or any part of them to alter, amend or repeal, from time to time, as they or a major part of them may think fit ; and shall have power whenever they may judge it necessary, to call a general meeting of the members of the said corporation, who may adjourn from time to time, as to them shall seem proper.

Specified powers of trustees.

V. *And be it further enacted*, That the said trustees at a stated meeting, shall and may nominate and appoint one or more instructors or instructresses, to take charge of the school under the care and direction of the said corporation ; and also appoint such other officers or servants as they may think necessary, and to allow and fix their respective compensations ; and such teachers, instructresses, officers, or servants, or any of them, at their pleasure to dismiss and discharge, and another or others to appoint in their stead : *Provided nevertheless*, That the funds of the institution, and the instruction to be given therein, shall be exclusively devoted to female education, and that no male student be at any time admitted as a pupil in the said seminary.

Instructors, &c. to be appointed.

Proviso.

VI. *And be it further enacted*, That any person who shall contribute to the benefit of the society any sum of money not less than twenty dollars, shall thereupon be a member thereof, and be entitled to the privileges granted to the members thereof by this act ; and none others but contributors to the said society as aforesaid, shall be deemed members thereof.

Persons declared members.

VII. *And be it further enacted*, That this seminary shall not be considered as one of the academies incorporated by and subject to the regulation of the regents of the university, and shall not be entitled to any distribution of the monies in the hands of the regents.

Seminary declared not an academy.

VIII. *And be it further enacted*, That this act shall be and is hereby declared to be a public act, and shall be construed benignly and favourably for every beneficial purpose hereby intended, nor shall any non-user of the privileges granted hereby to the said corporation, create or produce any forfeiture of the same ; and no misnomer of the said corporation in any deed, will or testament, grant, gift, demise, or other instrument, contract or conveyance, shall defeat or vitiate the same : *Provided*, the corporation be sufficiently described to ascertain the intention of the parties.

Public act.

Proviso.

IX. *And be it further enacted*, That the legislature may at any time modify or repeal this act.

Rights reserved.

CHAP. CVII.

AN ACT to incorporate the Mount-Pleasant Academy.

Passed March 24, 1820.

Corporation
created.Style and ge-
neral powers.

Proviso.

Trustees.

Election of
trustees.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Daniel De Lavan, Thomas Jackson, Jacob C. Arthur, Henry Waller, Joseph Hunt, Andrew Graham, Richard R. Voris, Jeremiah D. Fowler, Aaron Ward, and all such other persons as now are, or shall hereafter become members of the said society, shall be and hereby are ordained, constituted and declared to be a body corporate and politic, in fact and in name, by the name of the "Mount-Pleasant Academy;" and by that name they and their successors for ever hereafter, shall and may have succession, and by that name shall and may be persons in law capable to sue and be sued, plead and be impleaded, answer and to be answered unto, defend and be defended, in all courts and places whatsoever, in all manner of actions, complaints, matters, and causes whatsoever; and they and their successors may have a common seal, and may change and alter the same at their pleasure; and that they and their successors by their names, shall be for ever capable in law to purchase, take, receive, hold and enjoy any estate, real and personal, whatsoever, to the use of them and their successors, hereby confirming all grants heretofore made to the use of the said association, by any person or persons whatsoever. *Provided always*, That the yearly income of the real and personal estate, and hereditaments, held by the said corporation, do not or shall not at any time exceed the sum of twenty thousand dollars; and that they and their successors shall have full power to lease such real estate, and hereditaments, on such terms as they shall deem most beneficial, and also to dispose of all such personal estate, at their will and pleasure, as shall appear to them most advantageous for promoting the purposes of said institution.

II. *And be it further enacted*, That there shall be for ever hereafter twelve trustees of the said corporation, who shall conduct and manage all the affairs thereof; and that the said trustees shall be members of said corporation; and the first trustees of the said corporation shall be Daniel De Lavan, Henry Waller, Jacob C. Arthur, Joseph Hunt, Aaron Ward, Andrew Graham, Charles Yoe, Edward Kemeya, Isaac Smith, Richard R. Voris, Jeremiah D. Fowler, and Oliver Yale, who shall hold their offices until the first Tuesday of April, in the year eighteen hundred and twenty-one.

III. *And be it further enacted*, That on the first Tuesday of April, eighteen hundred and twenty-one, and yearly every year thereafter, on the first Tuesday of April, there shall be a general meeting of the members of the said corporation, at some convenient place, in the said town of Mount-Pleasant, to be fixed on by the by-laws of the said corporation for the year next ensuing, and by a majority of such of them as shall so meet, they shall by ballot elect twelve of their members to be trustees of said corporation for the year next ensuing, that each member shall be enti-

eled to a vote for every share of five dollars, but that no member shall be entitled to more than ten votes for said trustees, and for their officers, and the said trustees shall have power to choose out of their number a president, a treasurer and a secretary, who shall immediately enter on the said offices, and hold the same from the time of such election, for and during the space of one year, and until others shall be elected in their stead; Daniel De Lavanshall be the first president of said corporation, and Aaron Ward the treasurer and secretary, to hold their said offices until the first Tuesday in April, one thousand eight hundred and twenty-one; and in case any of the persons so elected to be trustees of the said corporation, shall die or resign before the time of their appointed service expires, or shall refuse or neglect to act in, or execute the said offices, then and in every such case the remaining trustees of the said corporation shall, within thirty days thereafter, by ballot elect other or others of the members of the said corporation, instead of him or them so dying, resigning or neglecting to act, and that such person or persons as shall have the greatest number of votes at every such election, shall hold their said offices from the time of such election until the first Tuesday of April, then next ensuing, and until other, another or others shall be chosen in their stead: *And provided always,* That the said trustees shall have full power, and it shall be in their discretion to elect and appoint out of the members of said corporation, an additional number of trustees, not exceeding eight, at any of their meetings.

President and other officers.

Duration of office.

Proviso.

IV. *And be it further enacted,* That the trustees of the said corporation may make all such by-laws, rules and regulations for the government and regulation of the said corporation and its affairs, and for the management and disposal of the property and estate of the said corporation, as they may deem requisite to promote the designs and intent of establishing this corporation, and the same, or any part of them to alter, amend or repeal, from time to time, as they or a major part of them may think fit, and shall have power, whenever they may judge it necessary, to call a general meeting of the members of the said corporation, who may adjourn from time to time, as to them shall seem proper.

Specified powers of trustees.

V. *And be it further enacted,* That the said trustees at any regular meeting, shall, and may nominate and appoint, one or more instructors, to take charge of the said academy under the care and direction of the said corporation, and also, appoint such other officers or servants as they may think necessary, and to allow and fix their respective compensations; and such teacher, officers or servants, or any of them, at their pleasure to dismiss and discharge, and another or others to appoint in their stead.

Further powers.

VI. *And be it further enacted,* That any person who shall contribute to the benefit of the said institution, any sum not less than five dollars, shall thereupon be a member thereof, and be entitled to the privileges granted to the members thereof by this act, and none others but contributors to the said institution shall be deemed members thereof.

Persons declared members.

VII. *And be it further enacted,* That this act shall be, and is hereby declared a public act, and shall be construed benignly and favorably for every beneficial purpose hereby intended, nor shall any non-user of the privileges granted hereby to the said corpora-

Public act

tion, create or produce any forfeiture of the same, and no misnomer of the said corporation, in any deed, will or testament, grant, gift, demise or other instrument, contract or conveyances shall defeat or vitiate the same: *Provided*, The corporation be sufficiently described to ascertain the parties.

Proviso.

Academy declared not under regents of university.

VIII. *And be it further enacted*, That this academy shall not be considered as one of the academies incorporated by, and subject to the regulations of the regents of the university, and shall not be entitled to any distributions of the monies in the hands of the regents.

CHAP. CVIII.

AN ACT for building a Bridge across the West Canada-Creek, on the State-Road leading from Johnstown to the Black-River.

Passed March 24, 1820.

320 dols. 31 cts. appropriated.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That for the purpose of building a bridge across the West Canada-Creek, on the state-road leading from Johnstown to the Black-River, the sum of three hundred and thirty dollars and thirty-one cents, being the balance remaining in the treasury of monies appropriated by an act of the legislature of this state, passed March tenth, one thousand eight hundred and three, for opening and improving certain great roads, be, and the same is hereby appropriated, and directed to be paid by the treasurer, on the warrant of the comptroller, to the commissioners herein after named,

A. Frink and J. Douglass appointed commissioners, &c.

II. *And be it further enacted*, That Adam Frink and James Douglass are hereby appointed commissioners for the purpose of erecting the bridge aforesaid; and that they are authorised to carry into effect, in relation to the same, the provisions contained in the preceding section of this act, in such manner as they shall deem most conducive to the public interest; and before the payment to them of the aforesaid sum of three hundred and thirty dollars and thirty-one cents, they shall give bonds with surety to be approved of by the comptroller, in the sum of seven hundred dollars, with a condition faithfully to expend the sum appropriated by this act, and to perform all the duties required of them, according to the true intent and meaning thereof.

Bonds to be given.

Commissioners to account with comptroller.

III. *And be it further enacted*, That it shall be the duty of the said commissioners to account with the comptroller for the expenditure of the money appropriated by this act, and the comptroller is hereby authorised to allow on such accounting the said commissioners one dollar and twenty-five cents for each day they shall be necessarily engaged in superintending the construction of said bridge.

CHAP. CIX.

AN ACT concerning the Bank for Savings in the city of New-York.

Passed March 24, 1820.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That it shall and may be lawful for the corporation, called the Bank for Savings in the city of New-York, to vest monies which they have received or shall receive, in the manner and for the purposes mentioned in the act incorporating the said bank, in such government securities and stock, as is mentioned in the last aforesaid act, and also to loan the said monies to the corporation of the city of New-York, at a rate of interest not less than six per centum per annum. Monies may be vested in certain securities and stock.

II. *And be it further enacted,* That it shall be lawful for the said corporation, at their discretion, to pay to any depositor, being a minor, such sums as may be due to such depositor, not exceeding two hundred and fifty dollars, notwithstanding that no guardian shall have been appointed for such depositor, and that the receipt or acquittance of such minor shall be as valid as if the same were executed by a guardian of such minor duly appointed : *Provided,* such deposit shall have been personally made by such depositor, and not by any other person for his or her benefit. Minors, being depositors, may receive their monies, &c. Provide.

III. *And be it further enacted,* That the books of the said corporation shall at all times be open to the comptroller of this state, and to such other person or persons as the legislature may, from time to time designate, for inspection and examination. Books open to comptroller.

CHAP. CX.

AN ACT to alter the Name and Style of the First Presbyterian Church of Sodus.

Passed March 24, 1820.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the name and style of the first presbyterian church of Sodus be altered, and it is hereby declared to be altered to that of the First Presbyterian Church of Lyons, in the county of Ontario ; by which name and style the said society shall hereafter be known, and the property, both real and personal, belonging to the said society, under its first name and style, are hereby declared to belong to it under its last name and style ; and all the proceedings of said society, while under the name and style of the first presbyterian church of Sodus, be declared valid, and the same are hereby ratified. Style of corporation altered. Style.

CHAP. CXI.

AN ACT for the relief of Margaret Amerman and others.

Passed March 24, 1820.

Preamble

WHEREAS in and by the last will and testament of Abraham Outen Bogart, late of the city of New-York, gentleman, a certain bequest of one equal ninth part of the rest, residue and remainder of his estate, (after paying several previous bequests,) is directed to be put out at interest, and the interest arising therefrom is given unto Margaret Amerman, (wife of Thomas Amerman, and daughter of the testator's brother, Joseph, deceased,) during the term of her natural life, to be paid to her annually, upon her own receipt; but in case the said Margaret Amerman should happen to survive her said husband, then the testator's executors are directed by the said will, to pay unto her the said principal sum so put out at interest for her use; and in case the said Margaret should not survive her said husband, then upon her decease, the said principal sum is directed to be equally divided among her children: *And whereas* it has been represented to the legislature that the said Margaret is about sixty-three years of age; that all her surviving children are, Abraham Bogart Amerman, Thomas Albert Amerman, Jane Amerman, and Cornelia B. Amerman, and are all of the age of twenty-one years: That Thomas Amerman, the husband of the said Margaret, is aged fifty-seven years: That the said Margaret and her said children are desirous that the said bequest, amounting to two thousand dollars, should be paid over to the said Margaret, in order that a permanent provision for the support of herself and her said children may be made therewith: That such a disposition of said bequest at this time, will be greatly advantageous to the said Margaret and her children: That the surviving executors of the last will aforesaid, have acceded to and recommended the propriety of such disposition, and that it will not defeat the intentions of the testator, but will accommodate the parties interested, and be in conformity to the spirit of the said last will and testament, and to the intentions of the testator: Therefore,

Certain m-
nies payab-
le to M. Amer-
man, under
directions of
chancellor.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the chancellor of this state, on application to him for that purpose, and upon due proof of the facts above stated, and if in his opinion the same shall be advisable, to authorise and direct the executors of the said last will of Abraham Outen Bogart, to pay over to the said Margaret Amerman, the amount of the said legacy or bequest, upon the said Margaret and her children above named, executing to the said executors a good and sufficient release and discharge of and from the said legacy or bequest, and of and from all their claims for, by reason of, or on account of the same: *Provided,* That the chancellor, before he authorises and directs the said payment, shall be satisfied that the making such disposition, under all the circumstances that may be proved before him, will not be unjust, as it regards the rights and interests of the husband of the said Margaret, or any person or persons whomsoever.

Proviso.

CHAP. CXII.

AN ACT to authorise a grant of land under water, in the city of Hudson, to Robert Center and Joseph Goodwin.

Passed March 24, 1820.

BE it enacted by the People of the State of New-York, re- T. Jenkins & J. Paddock to appraise certain estate.
presented in Senate and Assembly, That it shall be lawful for, and the commissioners of the land-office are hereby required to cause the value of the lot occupied by Robert Center and Joseph Goodwin, in the city of Hudson, in the south bay, adjoining the wharf of Thomas Jenkins, independent of any improvements thereon, to be ascertained by the appraisal of Thomas Jenkins and Jaddah Paddock, and to direct the appraisal to be returned to the office of the surveyor-general of this state, and thereupon, and on the payment of such appraised value into the treasury of this state, the said commissioners may and shall issue letters patent therefor to the said Robert Center and Joseph Goodwin, and to their heirs and assigns forever, as tenants in common: *Provided always,* Patent to be issued to R. Center and J. Goodwin.
 That this grant do not interfere with the right of property of any individual: and the commissioners shall be paid by Robert Center and Joseph Goodwin all proper charges of the appraisement. Provide.

CHAP. CXIII.

AN ACT authorising the Comptroller to loan money to George M'Clure.

Passed March 28, 1820.

BE it enacted by the People of the State of New-York, re- 7500 dls. loan- ed to G. M'Clure.
presented in Senate and Assembly, That it shall be the duty of the comptroller to loan to George M'Clure a sum not exceeding seven thousand five hundred dollars, out of any monies not otherwise appropriated for public purposes during the present session of the legislature, and that the comptroller be authorised to draw his warrant on the treasurer for the same: *Provided,* That the said loan shall not be made until the same be secured to the people of this state, by a sufficient bond, conditioned for the annual payment of the interest, at the rate of seven per centum per annum, and the repayment of the principal in ten years, five years without payment of any of the principal, and at the expiration of that time, fifteen hundred dollars to be paid each year on the principal, and the interest to be paid annually on the whole sum due; nor until the said payments be further secured by a mortgage or mortgages, on unincumbered real estate, exclusive of the buildings erected thereon, of at least double the value of the amount so loaned, to be appraised by a majority of the judges of the court of common pleas of Steuben county, under oath, to be administered by the clerk of said county, certified to the comptroller: *And further,* That the title whereof to be approved of by the comptroller and attorney-general. Duty of comptroller & attorney-general.

CHAP. CXIV.

AN ACT *authorising Simeon Rogers, his heirs and assigns, to maintain a dam across the eastern branch of the Chenango river, in the town of Greene, and county of Chenango.*

Passed March 28, 1820.

S. Rogers to maintain a dam, &c.

Provide.

Recital.

Rights reserved by the legislature.

I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for Simeon Rogers, his heirs and assigns, to maintain a dam across the Chenango river, in the town of Greene, in the county of Chenango, just above the Chenango forks, so called, at the place where his dam now stands, not exceeding five feet in height above low water mark : *Provided however,* That there shall be left in said dam a place or sluiceway of at least forty feet in width, which shall be at least two feet lower than the other parts of said dam, and an apron of at least forty feet in length and of an even ascent, to admit the passage of boats, arks and rafts, and the sides of the apron to be secured in such manner as to prevent boats, arks and rafts from running off the sides thereof ; and it shall and may be lawful for him or them to keep the said sluiceway shut at all times except in the seasons of arking and rafting.

And whereas it is not intended that the above granted privileges shall intercept or impede the navigation of the said river in any way : Therefore,

II. Be it further enacted, That it shall and may be lawful for the legislature of this state, at any time hereafter, when in their opinion the public interest shall require it, either to amend or repeal this act.

CHAP. CXV.

AN ACT *relative to the common lands of the freeholders and inhabitants of Harlaem.*

Passed March 28, 1820.

Preamble.

WHEREAS the freeholders and inhabitants of Harlaem, in the ninth ward of the city of New-York, are entitled, under certain patents granted to them in the year one thousand six hundred and sixty-six, to certain common lands, situate in the said ninth ward of the city of New-York : *And whereas,* by an act of assembly of the then colony of New-York, passed the twenty-fourth day of March, one thousand seven hundred and seventy-two, the division line between the common lands of the then city of New-York, and the then town of Harlaem, was settled by commissioners named in the said act. *And whereas* the said common lands being at present waste and unproductive, and liable to be sold under assessments of the corporation of the city of New-York, for opening the avenues to the said city, it has been deemed expedient by the said freeholders and inhabitants, and for their interest, that the same should

be sold, and they have in and by their petition, prayed for power to sell the same : Therefore,

I. *BE it enacted by the People of the State of New-York, J. Dyckman, represented in Senate and Assembly, That Jacobus Dyckman, Peter Meyer, Samuel Watkins, James Bogert, junior, and Robert R. Hunter be, and they are hereby declared to be trustees for the* J. Dyckman and others appointed trustees, and trust declared.

said freeholders and inhabitants, and seised in fee simple of the said common lands ; in trust, however, for the said freeholders and inhabitants, and invested with power to take possession of the said common lands, for the use of the said freeholders and inhabitants, to institute in their own names any suits either in law or equity, for the recovery of damages for any trespasses committed or that may be committed on the said lands, and for the obtaining possession of the said lands, or any part thereof, of which the said freeholders and inhabitants may have been unlawfully dispossessed, and to sell the said common lands, or any part thereof, either at public or private sale, for the best price or prices they can obtain for the same ; and to execute in their own names conveyances for the same, and which shall be valid in the law, to convey to the purchaser or purchasers thereof, the fee simple of the land so sold, and all the right, title and interest of the said freeholders and inhabitants, of, in and to the same ; and the powers aforesaid granted to the said trustees, are also hereby granted to the survivors of them : *Provided*, That nothing herein contained shall be construed to impair, affect or destroy the legal rights of any person now in possession of any part of such common lands, but that the same shall be and remain as before the passage of this act.

Provided

II. *And be it further enacted*, That the said trustees shall keep a regular book of account of all monies which shall come to their hands, and of their disbursements, in relation to their said trust, and also a book of minutes, in which shall be regularly entered their proceedings from time to time, the particulars of the sales of the said common lands, the names of purchasers, and the consideration monies respectively paid or payable thereupon, and to which, at reasonable times, the said freeholders and inhabitants shall have access ; and the said trustees may deduct from the amount of monies they shall thus receive, the amount of all their disbursements and expenses incurred in the execution of their said trust, together with five per cent. commissions on the net amount of the monies they shall receive, as a compensation for their service.

Trustees to keep books, &c.

III. *And be it further enacted*, That the said trustees are hereby authorised, out of the monies they shall receive as aforesaid, to pay such assessments, impositions and charges as are justly chargeable on the said lands, and to reimburse the said freeholders and inhabitants, such sum or sums of money as they, or any of them, have had to pay for the protection of the rights of common of the said freeholders and inhabitants, and from and after such deductions and payments as aforesaid, the said trustees are hereby authorised to distribute and pay out of the residue of the said monies as follows : the sum of three thousand dollars thereof to the trustees of the Harlem library for the benefit of the said library ; the sum of three thousand five hundred dollars thereof to the trustees of the Hamilton school, for the benefit of that school ; the sum of four thousand dollars thereof

To pay certain monies.

3000d. to Harlem Library.

3500d. to Hamilton school.

4000d. to another school.

4500d. to a third and fourth school.

Funds to be placed at interest.

Surplus appropriated to certain religious associations.

Funds if not sufficient how distributed.

to the trustees of such school as may be established in the village of Harlem; and the sum of two thousand five hundred dollars thereof to the trustees of such school as may be established in the village of Manhattanville; the sum of two thousand dollars thereof to the trustees of such school as may be established on the said common lands, the same to be applied by the respective trustees to the benefit of said last mentioned schools, and until the said schools are established, the said trustees appointed in and by this act, shall place the said fund out at interest, on good landed security, in the city of New-York, to accumulate for the benefit of the said schools, and the surplus monies that may be in the hands of the said trustees after payment of the said appropriations, shall be distributed by them among the several religious congregations of the said freeholders and inhabitants, in proportion to the number of church-members in each, their respective proportions to be paid to their respective trustees, to be by them placed out at interest on real security as aforesaid, and the yearly interest to be applied to the benefit of their respective religious establishments.

IV. *And be it further enacted*, That if the monies received by the said trustees shall not be sufficient to pay the several appropriations herein before made, then the said trustees shall first pay such assessments, impositions and charges, as are justly chargeable on the said lands, and shall also reimburse the said freeholders and inhabitants, such sum or sums of money as they or any of them have had to pay for the protection of the rights of common of the said freeholders and inhabitants, and the rest, residue and remainder shall be applied to the several purposes in the last section of this act mentioned, in proportion to the several sums therein set forth.

CHAP. CXVL

AN ACT authorising a Transcript of certain Deeds to be taken from the records in the county of Tioga, and lodged in the Clerk's Office, in the county of Broome.

Passed March 30, 1820.

Certain records to be transcribed.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the supervisors of the several towns in the county of Broome, (provided all of the said supervisors shall in their discretion deem it expedient so to do,) be and are hereby authorised to employ the clerk of the county of Tioga, to transcribe from the records in the clerk's office in the county of Tioga, such deeds as were given for lands now lying in the county of Broome, and which deeds had been recorded therein previous to the division of the county of Tioga, and the erection of the county of Broome.

Legal effect thereof.

II. *And be it further enacted*, That the said transcripts be made in a proper book or books, to be provided for that purpose, and when so made, shall be placed and kept in the clerk's office, in the county of Broome; and the same, or a copy thereof, duly certified by the clerk of the said county of Broome, may be read in evidence and made use of in all cases, in like manner and to the

like effect, as if the same had been originally recorded in said county of Broome.

III. *And be it further enacted*, That it shall be the duty of the clerk of the said county of Tioga, as soon as the book or books of transcripts of the said records shall be completed, to deliver the same to the clerk of the county of Broome, together with a certificate, stating that the said transcripts have been carefully compared with the original, and that they are true copies thereof to the best of his knowledge and belief; and the said clerk of Tioga shall make oath of the truth of such certificate before the said clerk of the county of Broome, who is duly authorised to administer the same.

How transcripts to be authenticated

IV. *And be it further enacted*, That when the said supervisors procure said transcripts to be taken, it shall be their duty to do it for the least possible expense, not exceeding in any case one half the sum allowed by law for recording deeds of equal length, which, together with the expense of procuring the books for the purpose aforesaid, shall be levied, collected and paid in the same manner as other contingent expenses of said county are raised, levied and collected.

Expense provided for.

CHAP. CXVII.

AN ACT to amend "*An Act respecting navigable Communications between the Great Western and Northern Lakes and the Atlantic Ocean*," passed April 15th, 1817, and for other purposes.

Passed March 30, 1820.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That from and after the first day of April next, the collection of the tax of one dollar upon each steam-boat passenger on the Hudson river, imposed by the act above mentioned, shall be and the same is hereby suspended until the payment thereof shall become necessary to the redemption of the pledge given by the state in the act aforesaid, so far as the same relates to the loans which have already been made under the said act, without reference to any loans which may hereafter be made under the same, and the collection thereof directed by law.

Steam-boat tax suspended.

II. *And be it further enacted*, That for the purposes contemplated by the said act, in lieu of the tax, the payment and collection whereof is above suspended, and for the payment of the interest and final redemption of the principal of the sums borrowed or to be borrowed by virtue of the said act, there shall be and hereby is appropriated and pledged five thousand dollars annually; and it shall be the duty of the president and directors of the North river steam-boat company, and they are hereby required, in each and every year during the continuance of their charter, and as long as the payment and collection of the said tax shall remain suspended as aforesaid, on or before the first day of January, to pay into the treasury of this state the sum of five thousand dollars; and in case of any neglect or refusal in paying over to the treasurer of

And 5000dls. annually imposed in lieu thereof.

Penalty and
forfeiture.

this state the said sum of five thousand dollars annually, the said president and secretary and the company incorporated under the name and style of "The North River Steam-Boat Company," shall forfeit and pay the sum of one thousand dollars, besides the amount so directed to be paid over, to be recovered in an action of debt in the name of the people of this state, and for the use of the aforesaid fund; and the owners of stock in such company shall be personally responsible for such amount and the penalty also.

Land-office
to set apart
lots for the
salt springs.

III. *And be it further enacted*, That the commissioners of the land-office be and they are hereby directed to cause to be surveyed into lots of such size as they shall deem for the interest of the state, the lands owned by the people of the state of New-York in the tract set apart for the use of the salt springs in the county of Onondaga, except such parts thereof as are now leased under any existing laws of this state, and such other parts as they may deem it expedient to reserve, and to sell the same in the manner that unappropriated lands of the state are directed to be sold, in such parts and at such times as they shall judge best for the interest of the state; reserving to the people of the state, in all sales of land made under this act, all salt springs, salt mines, coal mines, and other mines and minerals upon such lands, with a right to enter on and use such parts thereof as may be necessary to dig or work such mines or springs.

And to re-
ceive surren-
ders,

IV. *And be it further enacted*, That the said commissioners of the land-office be and are hereby authorised to receive surrenders of the leases of such of the pasture and marsh lots as the present lessees are willing to surrender.

And to obtain
and lay out
other lots, &c.

V. *And be it further enacted*, That the said commissioners of the land-office be and are hereby authorised in their discretion, to obtain by compromise the surrender of such of the marsh lots and pasture lots on said tract, as in their opinion may be necessary for the future growth of the villages on said tract, and for the extension of the manufactories thereon, and to cause to be laid out so many village lots and salt manufacturing lots, with such additional streets, squares and places of deposit for wood and bulky commodities as in their opinion the future growth and accommodation of said villages and the extension of salt manufactories may require; and to cause the said village lots to be sold in the manner provided in the third section of this act. *Provided*, That the said commissioners shall reserve for such future extension of the salt manufactories such marsh and uplands adjacent to each of the salt manufacturing villages on said tract, as in their opinion may ever be necessary or useful for the future extension of said manufactories, and for the state to retain in their hands, to prevent any monopoly of the ground most suitable for the erection of manufactories of salt.

Proviso.

Monies ap-
plied to canal
fund.

VI. *And be it further enacted*, That the monies arising from the sales of any lands, by virtue of this act, shall be paid over to the commissioners of the canal fund, to be by them applied to the uses for which such fund was created: *Provided*, That the legislature may at any time hereafter make an appropriation of any portion of the proceeds of the said lands for the improvement of the navigation of the Oswego river, and the communication between the Salina branch canal and the Onondaga lake.

VII. *And be it further enacted*, That the sum of twenty-five thousand dollars arising from the first of said sales, be and is hereby appropriated for the improvement of the navigation of Oswego river, under the direction of the canal commissioners ; and it shall and may be lawful for the commissioners of the canal fund forthwith to borrow, on the credit of the fund arising from the sales of said lands, at a rate of interest not exceeding six per cent. per annum, the sum of twenty-five thousand dollars, to be repaid by the said first of the said monies arising from said sales : and it shall be the duty of the commissioners of the canal fund, as soon as they shall have so borrowed the same, to pay over the same to the canal commissioners, to be by them applied in the improvement of the Oswego river.

25,000dl. appropriated for Oswego river.

CHAP. CXVIII.

AN ACT for the appointment of new Commissioners to lay out and improve a Road from Utica, in the county of Oneida, to Winfield, in the county of Herkimer.

Passed March 30, 1820.

WHEREAS Asa Shepherd, Spencer Briggs, and John Davis, have by their petition requested the legislature to pass an act to discharge them from any further duties, under the act passed April 15th, 1817, entitled " An act authorising a state road to be laid out and improved from Utica to Winfield, and for other purposes : " Therefore,

Preamble.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That John I. Prendergast, of the town of Winfield, Herkimer county, Nathan Williams, of the village of Utica, and Andrew Clark, of the town of Paris, in the county of Oneida, be and they are hereby appointed commissioners to lay out and improve a state road from Utica, in the county of Oneida, to Winfield, in the county of Herkimer, on the most eligible and direct route ; and that Asa Shepherd, Spencer Briggs, and John Davis, be and they are hereby discharged from any further duties under the aforesaid act : *Provided*, they shall faithfully account to the commissioners appointed by this act, for all the monies they may have received by donations, contributions and subscriptions, and pay over the balance that remains in their hands unexpended.

J. I. Prendergast and others appointed commissioners.

II. *And be it further enacted*, That the said John I. Prendergast, Nathan Williams, and Andrew Clarke, be and they are hereby authorised to perform all and singular the duties that the said Asa Shepherd, Spencer Briggs, and John Davis, were authorised to perform by the act aforesaid.

Their duties.

CHAP. CXIX.

AN ACT to amend the Act, entitled "*An Act relative to the city of Hudson.*"

Passed March 30, 1820.

Alms-house
established.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That it shall be lawful for the mayor, recorder, aldermen and assistants of the city of Hudson, in common council convened, to nominate and appoint under the common seal of the said city, three of the freeholders and inhabitants of the said city to be the overseers of the poor thereof, by the name and style of "The commissioners of the alms-house of the city of Hudson;" which said persons being so appointed, or any two of them, shall have the same power and authority, of overseeing and providing for the poor of the said city; and they or any two of them, shall have the same power and authority for putting or binding out apprentices and servants in the said city, and be subject to the same duties and penalties which the overseers of the poor of the respective towns in this state have or are subject to.

Apprentices
and servants.

Officers re-
movable by
com. council.

H. *And be it further enacted,* That it shall be lawful for the common council of the said city, to remove from office any person so by them appointed at their pleasure; and also, in manner aforesaid, from time to time, fill all vacancies which shall be occasioned by such removal, or by death, or resignation; and also, from time to time to appoint such other officers as they may deem proper, for the government of the alms-house, and to remove from office any person so by them appointed at their pleasure, and from time to time to appoint others in their stead; and it shall also be lawful for the said common council to make and ordain such ordinances and regulations as they shall think necessary for the better government of the said alms-house, and the keepers, officers and servants thereof: *Provided,* such ordinances and regulations be not contrary to the laws and constitution of this state and the United States.

Ordinances.

Special pow-
ers as justices

III. *And be it further enacted,* That the commissioners of the alms-house of the city of Hudson, or any two of them, shall have and exercise the same powers and authority, and do every act and thing in pursuance of the "act for the settlement and relief of the poor," and the "act concerning apprentices and servants," in the same manner as if they were justices of the peace for the county of Columbia: *Provided,* That nothing herein contained shall be construed to authorise them to sit as judges in the court of general sessions of the peace in and for the county of Columbia.

Proviso.

Binding out
to persons out
of the state.

IV. *And be it further enacted,* That the commissioners of the alms-house of the city of Hudson, or any two of them, when they see fit, by and with the consent of the mayor and recorder of the said city, may bind out such poor children as they shall be authorized to bind out, to any person or persons residing out of this state.

Compensa-
tion to offi-
cers, &c.

V. *And be it further enacted,* That it shall and may be lawful for the common council of the city of Hudson, to allow and pay to the commissioners, keepers, officers and servants of the alms-house of the city of Hudson, such annual salary, or other reasona-

ble compensation as they shall from time to time ordain and direct : *Provided*, That nothing herein contained shall be construed to au- ^{Provide,} thorise or entitle such commissioners, keepers, officers or servants to demand any such salary or compensation, for any longer or other time than while they actually held and exercised such office and performed the service.

VI. *And be it further enacted*, That it shall be lawful for the commissioners of the alms-house of the city of Hudson, or any two of ^{Support and medical aid in other towns, &c.} them, to contract with the overseers of the poor of the several towns in the county of Columbia, and with the supervisors of the said county, from time to time, for the support and maintenance, medical and surgical attendance of one or more of the poor of the said county of Columbia, or of any of the towns in said county, in the alms-house of the city of Hudson; and also to contract and agree with any person or persons for the support, maintenance, medical and surgical attendance in the said alms-house of one or more insane, sick, diseased or maimed ^{or in the alms-house,} person, upon such conditions and for such compensation, not being contrary to the ordinances of the said common council, as the said commissioners shall deem proper ; and that every such contract or agreement shall be made in the name of the mayor, recorder, aldermen and commonalty of the city of Hudson, and shall be valid and effectual in law.

VII. *And be it further enacted*, That it shall be lawful for the common council of the city of Hudson, to require and take from the said commissioners, or such of them as the said common council shall by resolution direct, a bond in such penal sum, and with such sureties as the said common council shall direct and approve, which said bond shall be executed to the mayor, recorder, aldermen and commonalty of the said city of Hudson, conditioned for the faithful execution and performance of their several powers, trusts and duties, and to render unto the said common council a just and true account of all monies that may come into their hands, as commissioners of the alms-house of the city of Hudson, when thereunto required by the said common council. ^{Commissioners to give security.}

VIII. *And be it further enacted*, That the collectors of taxes in the city of Hudson, shall severally, on the first Monday of February, in each and every year, pay to the chamberlain of the city of Hudson all monies which they, or either of them shall have collected, for defraying the contingent expenses of the said city, and the compact part thereof ; and shall on the said first day of February in each and every year, pay to the commissioners of the alms-house of the said city, all monies which they, or either of them shall have collected, for the support of the poor of the said city. ^{Duty of collectors of taxes.}

IX. *And be it further enacted*, That if the collectors of the city of Hudson, or either of them, shall refuse or neglect to pay to the chamberlain of the said city all the monies by them or either of them, collected for defraying the contingent expenses of the said city, and the compact part thereof, or if the said collectors or either of them shall refuse or neglect to pay to the commissioners of the alms-house of the said city, all monies by them or either of them collected for the support of the poor of the said city, within one week after the first day of February, in each and every year, it shall be the duty of the chamberlain of the said city, and he is hereby required within five days thereafter, to issue a warrant wa- ^{Mode of enforcing payment from delinquent collectors.}

der his hand and seal, directed to the marshal of the said city, thereby commanding him to cause the said monies so due, and unaccounted for by such collector, to be made and levied of the goods and chattels, lands and tenements of such collector, and to return the money to him within forty days after the date thereof, together with the said warrant, and shall immediately deliver the said warrant to the marshal of the said city, who is hereby required to cause the same to be executed, and to make return thereof to the said chamberlain within the time therein specified, and pay to him the money levied by virtue thereof, deducting for his fees three cents upon every dollar of the sum levied, and no more.

Hook and
ladder men.

X. *And be it further enacted*, That it shall be lawful for the mayor, recorder, aldermen and commonalty of the city of Hudson, in common council convened, or the major part of them, to nominate and appoint such number of men as they may think proper, not exceeding twenty, hook and ladder men, who shall be subject to the same rules and regulations, and entitled to the same privileges that the firemen of the city of Hudson are subject or entitled to.

Tax for night
watch, &c.
4000d. annu-
ally.

XI. *And be it further enacted*, That the mayor, recorder, aldermen and commonalty of the city of Hudson, in common council convened, shall have power, and they are hereby authorised and empowered to order the raising annually a sum not exceeding in one year two thousand dollars, by a tax on the real and personal estate of the freeholders and inhabitants within the compact part of the said city, for defraying the expenses of a night watch, and other contingent expenses within said limits; and a further sum annually, not exceeding in any one year two thousand dollars, by a tax on the real and personal estate of the freeholders and inhabitants of the corporation at large, for defraying the contingent expenses of said city.

Assessment
for streets,
&c. to be ad-
vertised.

XII. *And be it further enacted*, That in case any estimate or assessment which shall be made for the pitching, levelling, forming and paving any of the streets within the compact part of the city of Hudson, shall not have been complied with, and the sums thereby assessed shall not have been paid, it shall be lawful for the common council to cause the same to be advertised in one or more of the public newspapers printed in said city, for three months, thereby requiring the owners of such lots respectively, to pay the sum at which the said lots shall be assessed, to the chamberlain of the said city; and that if default shall be made in such payment, such lot will be sold at public auction, at a day and place therein to be specified, for the lowest term of years at which any person shall offer to take the same, in consideration of advancing the sum assessed on the same for the expense aforesaid, with the interest thereof, and the costs and charges of the sale; and if notwithstanding such notice and demand, the owner or owners shall refuse or neglect to pay such assessments, with the charge of appraisal and advertisement, and the interest as aforesaid, then it shall be lawful for the said mayor, recorder, aldermen and commonalty, to cause the said lot to be sold at public auction, for a term of years, for the purpose, and in the manner expressed in the said advertisement, and to give a declaration of such sale to the purchaser thereof, under the common seal of the said city; and such purchas-

for sale,

for a term of
years.

er, his or her heirs or assigns shall, by virtue thereof, and of this act, lawfully hold and enjoy the same, for his and their own use against the owner or owners thereof and all claiming under him; until his term shall be complete and ended, being at liberty to remove all the buildings and materials which he or they shall erect or place thereon, but leaving the ground in sufficient fence, and with the street or streets fronting the same, in the order required by the said regulations.

XIII. *And be it further enacted*, That the amount and estimate of every assessment for the purposes aforesaid, shall be and remain a lien on the lot or lots so estimated, from the time of the completion and return of such estimate, in manner aforesaid, until paid or otherwise satisfied; and that it shall be lawful for the said mayor, recorder, aldermen and commonalty, instead of the remedies herein above provided, if they shall see fit, in case any owner or occupant of any lot within the compact part of the said city shall neglect or refuse to conform his lot to such regulations as aforesaid, to conform the same to such regulations at their own expense, and to sue for and recover the amount of that expense from the owners of such lots, or their legal representatives, with interest and costs, in any court within this state having cognizance thereof, in an action on the case, for so much money by them paid, laid out and expended for such owners, and the said estimate or assessment, with proof of the amount and payment of the expense, shall be conclusive evidence for the plaintiff in every such action: *And further*, it shall be lawful for the said mayor, recorder, aldermen and commonalty, to sue for and recover, in like manner, all such sums of money as they may have expended heretofore in consequence of any estimate or assessment made in the manner and for the purposes aforesaid, or any of them.

Or may be collected by suit.

XIV. *And be it further enacted*, That it shall be lawful for the mayor, recorder, aldermen and commonalty of the city of Hudson, in common council, to establish the rate of per centage to be received by the collectors, for the collection of the taxes imposed upon the inhabitants of the said city.

Collector's compensation.

XV. *And be it further enacted*, That the twenty-eighth section of the act hereby amended, be, and the same is hereby repealed.

A section repealed.

XVI. *And be it further enacted*, That it shall be lawful for the inhabitants of the said city, annually to elect three assessors in each of the wards of the said city.

3 assessors to a ward.

XVII. *And be it further enacted*, That it shall and may be lawful for the common council, to pass suitable and proper ordinances, compelling the owners or occupants of lots, against which pavements heretofore have been, or hereafter may be laid, to repair such pavements, whenever in their opinion, such repairs shall be required; and that hereafter no road tax shall be imposed on such lots, any law to the contrary in any wise notwithstanding.

Pavements how repaired

No road tax.

CHAP. CXX.

AN ACT to revive in part, an act, entitled "an act establishing and regulating certain Ferries in the county of Essex," passed April 10th, 1805.

Passed March 30, 1820.

R. Walker's
right of ferry
revived.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the court of common pleas in and for the county of Essex, in term, to revive to Robert Walker, or his assigns, the right of ferryage across Lake Champlain, granted in and by the said act, with the like immunities, and subject to the like restrictions and provisions, as are by the said act granted and retained, for and during an additional term not exceeding five years.

CHAP. CXXI.

AN ACT for the further support of the College of Physicians and Surgeons of the Western District.

Passed March 30, 1820.

10000lls pay-
able annually
not exceeding
5 years.

I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the treasurer shall pay on the warrant of the comptroller, to the treasurer of the college of physicians and surgeons of the western district, the sum of one thousand dollars annually, on the first day of April in each year, during the pleasure of the legislature, for a term not exceeding five years, for the use of the said college.

Convicts dy-
ing in Auburn
state prison,
may be deli-
vered for dis-
section, un-
less, &c.

II. And be it further enacted, That whenever a convict shall die in the state prison at Auburn, the inspectors shall deliver the body to the agent of the college of physicians and surgeons of the western district, unless the body shall be taken away for interment in twenty-four hours after the decease, either by the friends and relatives of the deceased, or by their agent employed for that purpose.

CHAP. CXXII.

AN ACT for the more easy pleading in certain suits, and for the relief of School Districts number Six and Fourteen, in the town of Deerfield, and county of Oneida.

Passed March 30, 1820.

Preamble.

WHEREAS it is represented to the legislature by the commissioners of common schools in the town of Deerfield, and coun-

ty of Oneida, that school district number six in said town, was deprived of their proportion of monies, amounting to fifty-eight dollars and twenty-one cents, in the spring of the year one thousand eight hundred and nineteen, agreeable to the requisitions of the act for the better establishment of common schools; and that a school was kept in said district in the winter of the year aforesaid, and the said mistake was occasioned by the trustees of said district not making their report within the time prescribed by law; and that since the said district has been divided into two districts, number six and number fourteen, and the said commissioners have prayed for relief in the premises. Therefore,

I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the commissioners of common schools in the town of Deerfield aforesaid, be and they are hereby authorised and required to pay to the trustees of said districts number six and fourteen in said town, the sum of fifty-eight dollars and twenty-one cents, out of the school monies in their hands, or which may next come into their hands, and that a division of the residue of the said school monies be made among the school districts in said town, agreeable to the aforesaid act, after deducting the sum above mentioned; and the said trustees are hereby required to pay and appropriate the said sum, as near as may be, to the equal benefit of the inhabitants of said district number six, as it was situated in the spring of one thousand eight hundred and nineteen, for the use of said districts number six and fourteen.

50ds. 21cts.
payable to
certain school
districts.

Residue how
applied.

II. And be it further enacted, That if any action be brought against any commissioner of common schools, any trustees of any common school district, or any collector of any school district, or any other person, who in their aid or assistance, or by their commandment, do any thing touching his or their office, for or concerning any matter or thing by them, or any of them done by virtue of their offices, the said action shall be laid in the county where the trespass or fact be done and committed, and not elsewhere; and it shall be lawful for any person aforesaid to plead thereunto the general issue and give the special matter in evidence; and if the verdict shall pass with the defendant, or the plaintiff become nonsuit, or suffer any discontinuance, in every such case the court in which the action shall be brought, shall by virtue of this act, allow unto the defendant or defendants, his or their double costs, which he or they shall have sustained by reason of his or their wrongful vexation in defence of the said action, for which the defendant or defendants shall have like remedy as in other cases where costs are given to defendants.

General issue
pleadable in
certain cases,
and special
matter allowed
as evidence.

Double costs
to defendant.

CHAP. CXXIII.

AN ACT to incorporate the Village of Whitehall.

Passed March 30, 1820.

Bounds of the
village of
Whitehall.

Powers and
privileges.

Trustees.

* So in the
original—the
words, "in
every year,"
appear to be
wanting. See
section VII.

Created a
corporation.

Style and ge-
neral powers.

I. *BE it enacted by the People of the State of New-York, re-presented in Senate and Assembly,* That the district of country within the following bounds : Beginning at a bunch of white ash trees on the west bank of the Wood creek, being the northeast corner of Elisha Blin's farm and the southeast corner of Andrew Law's farm ; running thence west eight degrees north, on the division line between the aforementioned farms, forty-one chains and thirty-one links, to the southwest corner of Elisha Blin's building lot, on which his now dwelling house stands ; thence north fourteen degrees east one hundred chains, to the channel of Lake Champlain ; thence up the said channel to the farm at the outlet of Wood creek ; thence south thirteen degrees east, to the first mentioned bounds ; shall be known and distinguished by the name of the village of Whitehall ; and the freeholders and inhabitants who are qualified to vote at town meetings, who may from time to time reside within the aforesaid limits, may on the first Monday of May next meet at the school-house in the said village, at such time of the day as may be appointed by any justice of the peace within the said village, and notified to the inhabitants thereof at least one week previous thereto, and then and there proceed to elect five discreet freeholders, resident within the said village, to be trustees thereof, who, when chosen, shall possess and exercise the several powers and rights herein after specified ; and such justice shall preside at such meeting, and shall declare the several persons having the greatest number of votes to be duly chosen trustees ; and on the first Monday of May* thereafter, there shall be an annual election of trustees for the said village, at such place as the trustees for the time being shall notify, giving at least one week's notice as aforesaid, by setting up written notices in three of the public places in said village ; and the said trustees shall preside at such annual elections.

II. *And be it further enacted,* That the freeholders and inhabitants residing within the aforesaid limits, be and they are hereby ordained, constituted and declared to be from time to time, and for ever hereafter, a body politic and corporate, in fact and in name, by the name of "The Trustees of the Village of Whitehall ;" and by that name they and their successors for ever shall and may have perpetual succession, and be persons in law capable of suing and being sued, pleading and being impleaded, defending and being defended, in all courts and places whatsoever, in all manner of actions, complaints and causes whatsoever ; and that they and their successors may have a common seal, and may alter the same at their pleasure ; and shall be in law capable of purchasing, holding, receiving and conveying any estate, real or personal, for the use of said village, provided the said real estate be in the said village ; and of erecting any public buildings for the use of said village, and of raising money by tax for erecting such public buildings, purchasing such real or personal property, procuring fire engines, and other utensils for extinguishing fires, and for

making a reasonable compensation to the officers of the corporation, and for making any necessary repairs or improvements in said village; which monies so to be raised shall be assessed upon the freeholders and inhabitants of the said village, according to law, by not less than three nor more than five judicious assessors, who shall be freeholders in said village, to be chosen by the inhabitants of the said village, qualified to vote at town meetings, and collected by the collector of the corporation, to be chosen by the trustees of said village annually, in like manner as taxes of towns and counties are collected, by virtue of a warrant to him directed by a majority of the trustees: *Provided nevertheless*, That no tax shall be levied nor monies raised, assessed or collected for the purposes aforesaid, or any other purpose, and no purchase or sale of any real estate made, and no public buildings erected or disposed of without the consent of the legal voters of the said village, in open meeting, duly warned and notified, first given and expressed by a majority of votes then and there given: *Provided also*, and it is hereby made the duty of said assessors in assessing the taxes so to be raised upon the inhabitants of said village, to have regard both to the property and relative situation of each individual, so as that the said taxes may be assessed in an equitable and just manner, of and from the owners and occupants of the houses and lauds in said village, in proportion nearly as may be, to the property and to the advantages which each shall be deemed to receive from the improvement or purchase to be made by said money when collected: *And provided also*, That if any person shall conceive himself or herself aggrieved by any such assessment, it shall be lawful for such person to appeal from the said assessors to the trustees of the said village, in ten days after such assessment shall be made and public notice thereof given, giving notice to the said assessors or any one of them, of such appeal, and of the time and place of determining thereon by said trustees, who shall hear the same and do justice in the premises.

III. *And be it further enacted*, That it shall be lawful for the inhabitants of said village, as often as they shall vote, to raise any sum or sums of money, for any of the purposes aforesaid, to specify as is convenient, the particular purposes for which said sum or sums, or any part thereof, shall be appropriated, that the assessors may have regard thereto in assessing the same upon the inhabitants of said village.

IV. *And be it further enacted*, That it shall be lawful for the trustees of the said village, or the major part of them, and their successors, to make, ordain, constitute and publish such prudential by-laws, rules and regulations, as they from time to time may deem meet and proper, and such particularly as are relative to the streets, alleys and highways of the said village, and draining, filling up, paving, keeping in order, and improving the same, relative to slaughtering-houses and nuisances generally, relative to a village watch and lighting the streets of said village, relative to restraining geese, swine or cattle of any kind, relative to the better improving their common lands, relative to the inspection of weights and measures, relative to keeping and regulating hay-scales, and relative to any thing whatsoever that may concern the public and good government of the said village; but no such by-laws

Further proviso.

Further proviso.

Further proviso.

Assessments.

Power to make by-laws

Streets.

Nuisances.
Watch.
Geese, swine,
&c.

Common
lands,
Hay scales.

Proviso. shall extend to the regulating or fixing the prices of any commodities or articles of provision offered for sale : *Provided also*, That such by-laws be not contrary to, nor inconsistent with, the laws of this state or of the United States : And it shall also be lawful for said trustees to require the house holders and occupants of buildings in the said village, under suitable penalties, to furnish themselves with fire-buckets and other necessary utensils for extinguishing fire, and also keep their fire-places and chimnies clean and in good order.

Fire.

Penalties limited.

V. *And be it further enacted*, That the said trustees or a major part of them, as often as they shall make, ordain and publish any by-laws for the purposes aforesaid, may make, ordain, limit and provide such reasonable fines, penalties and forfeitures against the offenders of such by-laws as they may think proper, not exceeding twenty-five dollars for any one offence, to be prosecuted and recovered before any justice of the peace or court having cognizance thereof, by the trustees, to and for the use of the said corporation ; and in all cases it shall be deemed sufficient for said trustees, in any suit or action to be brought for any such fines, penalties and forfeitures, to declare generally that the defendant or defendants are indebted to the trustees of the village of Whitehall in the amount of such fine, penalty or forfeiture, to be paid to the said trustees for the time being, when thereunto required, and under such declaration to give the special matter in evidence ; and the freeholders and inhabitants of said village shall be deemed and are hereby declared competent to give testimony in any cause wherein the said trustees are a party, notwithstanding any remote interest which they may have as members of such corporation.

Owners and occupants.

VI. *And be it further enacted*, That the person in possession of any real estate in the village of Whitehall, at the time any tax is assessed, shall be liable to pay the amount assessed thereon, and if such person is not bound by contract or otherwise, to pay such tax or any part thereof, he or she shall and may recover the same from the owner of such real estate, or other person whose duty it was to have paid the same, and all taxes upon any real estate in said village, shall be a lien thereon.

Assessors, treasurer and clerk.

VII. *And be it further enacted*, That the inhabitants of said village of Whitehall, qualified to vote at town meetings, at the annual meetings in every year hereafter to be held, for choosing trustees, or any other meeting duly notified, shall and they are hereby authorised to choose by a major vote, not less than three, nor more than five judicious freeholders, inhabitants of said village, as assessors, and one treasurer, and one clerk ; and it shall be the duty of the said clerk to keep a faithful record of all the doings and votes of the inhabitants of said village at their annual and other legal meetings, in a book by him to be procured for that purpose.

Clerk's duty.

To take an oath.

VIII. *And be it further enacted*, That the trustees, assessors, treasurer and clerk, shall within ten days after their election and appointment, and before they proceed to the exercise of their several offices, respectively take and subscribe an oath or affirmation, before any justice of the peace in said village, or county of Washington, that they will faithfully execute the office or trust to which they may be severally elected.

IX. *And be it further enacted,* That the treasurer and collector hereafter to be elected, shall before they enter upon the duties of their respective offices, give such security for the faithful performance of the trusts reposed in them, as the major part of the trustees for the time being shall deem sufficient. Security required, &c.

And whereas it is necessary for the good government of the said village, that it should be more particularly the business of some one of the trustees of said village to attend to its more immediate concerns : Therefore, Recital.

X. *Be it further enacted,* That the trustees, within ten days after their election, in every year thereafter, or the major part of them, shall, and it is hereby made their duty to assemble in some convenient place in said village, and there to choose and appoint some one suitable person of their body to be president of the said board of trustees, whose duty it shall be when present, to preside at the meeting of the trustees, to order extraordinary meetings of the trustees whenever he shall think proper, to receive complaints of the breach of any of the laws, to see that the by-laws, rules and ordinances are faithfully executed and observed, and to prosecute in the name of the trustees, all offenders against such by-laws ; and whose duty it shall be more particularly to see that the public property belonging to the said village, and relating to the fire engines and utensils, be suitably taken care of and kept in order, and to do such other acts and things as may be proper for him as president of the board of trustees to do ; and in case of the death or disability of such president, the said trustees shall proceed to choose out of their body a successor, in manner as above mentioned ; and it is hereby made the duty of the said trustees to keep a record of their doings, especially of the passing of their by-laws, rules and regulations. President of trustees.
His duty.
Vacancies.

XI. *And be it further enacted,* That the collector shall within such time as shall be hereafter specified by the by-laws of said corporation, next after the receipt of his warrant for the collection of any tax that may have been ordered to be raised, collect and pay over to the treasurer ; and all monies at any time in the hands of the treasurer shall be liable to be drawn out by the trustees, or a major part of them, and applied and disposed of as shall have been directed by the inhabitants of said village. Duty of collector.

XII. *And be it further enacted,* That the trustees shall keep a just and accurate account of their necessary expenses and disbursements, at all reasonable times open to the inspection of the inhabitants of said village, and on exhibiting the same to the treasurer, shall be entitled to receive the amount thereof out of any money in the treasury ; and that the treasurer, assessors and clerk shall be paid for their several services, such suitable compensation as the said trustees, or a majority of them, by a law of the corporation shall provide ; and the said trustees shall receive for their services, such reasonable compensation as the inhabitants of the said village, at their annual meetings, shall think proper to grant and allow. Duty of trustees.
Compensation to certain officers.

XIII. *And be it further enacted,* That the trustees to be elected by virtue of this act, shall continue in office, and be authorised to exercise all the powers and perform all the duties in this act contained, and belonging to the office of trustees as aforesaid, until the first Monday of May next following after their election as trustees Duration of office of trustees.

as aforesaid, and until a new election of trustees of the said village shall be made pursuant to this act, and until the said trustees so last chosen, shall take and subscribe the oath or affirmation of the office of trustee.

Road-district.

XIV. *And be it further enacted*, That the said village of Whitehall be, and the same is hereby constituted a road district, subject to be subdivided by the said trustees, and that the same be exempt from the superintendence of the commissioners of highways of the town of Whitehall; and the said trustees of the village of Whitehall shall have all the powers over the said road district, and also, discharge all the duties which are by law given to, or enjoined upon the said commissioners of highways, and subject to the like restrictions and appeals; and it is hereby declared lawful for the inhabitants of the said village, at their annual meetings as aforesaid, to choose an overseer of highways, for each and every subdivision in said road district, as shall be laid out by the said trustees, which overseers or path-masters shall have all the powers and discharge all the duties, in their several districts or subdivisions, which by law are given to or enjoined upon other overseers of highways, giving in their lists, and being accountable to said trustees in the same manner as other overseers of highways are bound by law to do, to the town clerk and to the commissioners of highways.

Overseer of highways.

Firewardens and firemen.

XV. *And be it further enacted*, That it shall be the duty of the said trustees, or a majority of them, and they are hereby authorised and empowered to appoint and elect, under the hand of the president of the board and seal of the village, five firewardens, and a company of twenty-four firemen, out of the inhabitants of the said village, to have the care and management, working and use of the fire-engine or engines which may belong to the said village, and also, the tools and implements for extinguishing fires; and the said trustees, or a majority of them, are hereby authorised to remove or displace all or any of the firewardens or firemen, so as aforesaid to be elected and appointed, when and as often as they shall think fit, and others in their stead to elect, nominate and appoint.

Rights reserved.

XVI. *And be it further enacted*, That it shall be lawful for the legislature at any time to modify, amend or repeal this act.

CHAP. CXXIV.

AN ACT for the payment of the Officers of Government therein mentioned.

Passed April 1, 1820.

Salary to

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That there shall be allowed to the several officers of the government herein after mentioned, from and after the passing of this act, the following annual salaries :

the governor
5000d.
Sec'y 1500d.
Dep. secretary
1000 doIs.

To the person administering the government of this state, the sum of five thousand dollars; to the secretary of state, the sum of one thousand five hundred dollars; to the deputy secretary of state,

and as clerk of the land-office, the sum of one thousand dollars ; to the surveyor-general, the sum of one thousand dollars : *Provided*, That the said surveyor-general shall account with the comptroller of this state; and pay into the treasury all the fees he may have received, and not already accounted for, or shall receive by virtue of his said office ; to the treasurer, the sum of one thousand five hundred dollars ; to the treasurer's clerk, the sum of eight hundred dollars ; to the adjutant-general, including office expenses, one thousand dollars ; to the commissary-general, the sum of one thousand dollars ; to the assistant commissary-general residing in New-York, four hundred dollars : *Provided*, That it shall be lawful for the commissary-general to reside in the city of New-York ; to the reporter of the supreme court, the sum of one thousand dollars ; to the comptroller, the sum of two thousand five hundred dollars ; to the deputy comptroller, the sum of one thousand dollars ; to the chancellor, the sum of three thousand five hundred dollars ; to the judges of the supreme court, each, three thousand five hundred dollars, but this provision shall not be construed to extend to any judge of the supreme court who may be appointed after the number shall amount to five, nor to authorise the increase of their number, without special legislative provision for that purpose ; to the clerk of the supreme court in the city of New-York, two thousand dollars ; to the clerk of the supreme court in the city of Albany, the sum of one thousand five hundred dollars ; to the clerk of the supreme court in the village of Utica, the sum of one thousand five hundred dollars ; to the attorney-general, the sum of one thousand dollars ; to the superintendent of common schools, four hundred dollars, and to the private secretary of the governor, three hundred and fifty dollars ; and the said annual salaries shall be payable in equal quarterly payments on the first days of April, July, October and January, in the manner directed by the act entitled " an act for the support of government," passed February seventeenth, one thousand eight hundred and thirteen.

II. *And be it further enacted*, That the salaries now allowed the judge of probates, and the superintendent of the Salt-Springs, be, and the same are hereby abolished.

III. *And be it further enacted*, That from and after the passing of this act, there shall be allowed to the clerk of the senate, an annual salary of one thousand five hundred dollars, and to the clerk of the assembly, an annual salary of two thousand dollars, in lieu of all compensation and perquisites heretofore received by them respectively, and for which they shall provide their own assistant clerks, and perform all duties now required of them by law, and that it shall not be necessary to copy the journals of the senate or assembly for the governor, nor to furnish the state printer the copies of messages, bills and other communications, copies of which shall be furnished in the journals ; the said sums of money to be paid to the said clerks by the treasurer, on the warrant of the comptroller, on the first day of May next, and on the first day of May in each and every year thereafter.

IV. *And be it further enacted*, That the several officers hereinafter mentioned, shall be allowed not exceeding the following sums for clerk hire and office expenses, instead of the sums now allowed by law ; the secretary of state, the sum of one thousand

Surveyor general 1000d.

Treasurer 1500 dollars.

His clerk 800 dollars.

Adj't. gen. 1000 dollars.

Comm. gen. 1000 dollars.

Ass't. com. gen. 400 dols.

Reporter of sup. court 1000 dols.

Comptroller 2500 dols.

Dept. compt. 1000 dls.

Chancellor 3500 dols.

Judges of sup. court each 3500 dols.

Clerk of sup. court at N.Y. 2000 dols.

At Albany 1500 dols.

At Utica 1500d.

Att'y general 1000 dls.

Sup. common schools 400d.

Gov. private sec'y 550d.

How payable.

Salaries to judge of probates & sup. of salt springs abolished, [sed vide supply bill, chap. 349.]

Clerk of Senate 1500d.

Of assembly 2000 dols.

Their farther duty.

Clerk hire & office expenses of Secretary 1000d.

Clerk sup.
court at N.Y.
1000 d.
At Albany
1000d.
At Utica
1000d.

dollars ; the clerk of the supreme court in New-York, the sum of one thousand dollars ; the clerk of the supreme court in the city of Albany, the sum of one thousand dollars, and the clerk of the supreme court in the village of Utica, the sum of one thousand dollars.

Canal com.
missioners
each allowed
2000 dols.
Provido.

V. *And be it further enacted*, That in lieu of the salary now allowed by law to the canal commissioners, they shall be severally allowed an annual salary of two thousand dollars from and after the passing of this act : *Provided*, That this provision shall only extend to three of the said commissioners, who shall be actually engaged in the superintendence of the works connected with the said canals.

Former laws
repealed.

VI. *And be it further enacted*, That all laws inconsistent with the provisions of this act, be, and the same are hereby repealed.

CHAP. CXXV.

AN ACT for the relief of Cornelius W. Groesbeck and Brothers.

Passed April 1, 1820.

Bond of C.
W. Groes-
beck & broth-
ers cancelled.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the comptroller be, and he is hereby directed to cancel and fully discharge the bond executed to the people of this state, for the sum of three thousand five hundred dollars, by Cornelius W. Groesbeck and brothers, for the consideration money of the purchase of one hundred acres of land, in lot number sixty-four, in the town of Homer, at the surveyor-general's sales in the year one thousand eight hundred and fourteen, on their delivering up to the comptroller, to be cancelled, the surveyor-general's certificate, given to them for said purchase.

CHAP. CXXVI.

AN ACT to incorporate the Cherry-Valley Aqueduct Association.

Passed April 1, 1820.

Corporation
created.

I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That Oliver Judd, Alfred Crafts, Illustrious Remington, and such other persons as shall become associated with them for supplying the village of Cherry-Valley, in the county of Otsego, with wholesome water, by means of aqueducts, shall be, and are hereby made and created a corporation and body politic, by the name of "the president, directors and company of the Cherry-Valley Aqueduct Association," and by that name they shall be capable in law of suing and being sued, pleading and being impleaded in any court whatsoever ; and to hold and enjoy such real and personal estate as may be necessary for the attainment of the object aforesaid, not exceeding three thousand dollars in the whole, exclusive of the profits or income arising from the said aqueducts.

Style & gen-
eral powers.

II. *And be it further enacted*, That it shall and may be lawful for the persons above named to do and perform the several duties hereinafter mentioned, that is to say,—they shall, on or before the first day of June next, procure a book, and enter in the same as follows : “ We whose names are hereunto subscribed, do for ourselves and our legal representatives, promise to pay the president, directors and company of the Cherry-Valley aqueduct association the sum of ten dollars for each share of stock in said company, set opposite to our respective names, in such manner and proportion, and at such time and place as shall be determined by the said president and directors,” which book shall be left with one of the above mentioned persons, at his place of abode, who shall keep the same open for the purpose of receiving subscriptions, and every subscriber shall at the time of subscribing pay to the aforesaid person, the sum of fifty cents on each share so subscribed for, which money paid as aforesaid, shall by the person receiving the same, be paid to the treasurer of said company as soon as he shall be appointed; and Oliver Judd, Alfred Crafts, William Story, Ezekiel Johnson and Jonathan Hall, or a majority of them, as soon as one hundred shares are subscribed for, shall cause an advertisement to be affixed in at least three public houses, in the town of Cherry-Valley, in the said county of Otsego, giving at least ten days notice of the time and place where the said subscribers shall meet, for the purpose of choosing five directors, who shall be stockholders, for the purpose of managing the concerns of said company, for one year; and the day of choosing the said directors, shall thereafter be the anniversary day for choosing directors, and any three of the said directors shall be a quorum, and capable of transacting the business of the said corporation, and the said directors elected by a plurality of votes of the stockholders, shall immediately proceed to the choice of a president and treasurer, from their own body, and the said president and directors may meet from time to time, at such time and place as they may think proper, and shall have power to make such by-laws, rules and regulations, not inconsistent with the laws or constitution of this state or of the United States, as shall be necessary for the well ordering of the said corporation, with a power of declaring forfeited all previous payments made on the respective shares, whose whole sum, or any part thereof is not paid at the time and place specified by the said president and directors : *Provided*, That no person shall have more than ten votes, whatever number of shares he may hold; and that each person shall be entitled to one vote for every share by him held, not exceeding that number.

Book for subscriptions.

Election of first directors.

Quorum.

President & treasurer.

Specified powers.

Provide.

III. *And be it further enacted*, That the said president and directors may continue to receive subscriptions to the stock of the said corporation, until there shall be three hundred shares subscribed; and shall have power to appoint such agents, clerks and workmen as shall be necessary for executing the business of said corporation.

Three hundred shares compose the capital.

IV. *And be it further enacted*, That it shall be lawful for the said company, and every person or persons employed by them, or acting under them, to enter into and upon, and freely to make use of any land, fountains of water or streets for the purpose of supplying the said village of Cherry-Valley with good and wholesome

Power in laying conduits, &c.

Provide.

water, and to lay and conduct any number of aqueducts through or over any of the said lands : *Provided*, the said president and directors first agree with the owner or owners of such land, through and over which the said pipes or aqueducts may pass; and in case of any disagreement, where it shall be necessary to take possession of the land or fountain of water of an individual, it shall be the duty of said association to apply to two or more judges of the court of common pleas of the county of Otsego, who shall appoint, under their hands and seals, three disinterested persons as appraisers of the value of the land or fountain of water, and of the damage that may result to the owner thereof, by such use of said land, whose determination, or the determination of either two of whom, when complied with by the said association, shall be conclusive between the parties.

Duty of treasurer.

V. *And be it further enacted*, That the treasurer of the said company shall receive and pay out all monies collected by virtue of this act, agreeable to the order and directions of the said president and directors ; and he shall keep a just and true account of all the yearly income of the said company, and as soon as the same shall amount to fourteen per cent. per annum, for each and every year; on the whole of the capital expended, over and above all expensed, it shall be his duty and he is hereby required to pay the surplus to the trustees of the village of Cherry-Valley, to be by them expended in repairing the streets in said village.

Penalty for injuring works, &c.

VI. *And be it further enacted*, That if any person or persons shall injure, deface, or dig up, break or destroy, or otherwise wilfully injure any of the said works of the said company, he, she or they shall forfeit and pay the sum of twenty dollars, to be recovered by the treasurer of the said company, in an action of debt, for their use, with costs, in any court having cognizance of the same.

Stock declared personal property.

VII. *And be it further enacted*, That the stock of the said company shall be personal property, and subject to be transferred agreeable to the rules and regulations prescribed by the president and directors of the said company.

Day of election further regulated.

VIII. *And be it further enacted*, That if the election of directors of the said company, shall not be held on the day of the annual election for the said directors, it shall be lawful for the said election to be held on any other day, to be appointed by the said president and directors, in like manner and with like effect, as if the same had been held at the usual time, and the directors in office shall in that case be incapacitated after the said election, from performing any act as directors, other than such as may be necessary to give such election effect.

Aqueducts over highways.

IX. *And be it further enacted*, That it shall and may be lawful for the said company, or any person or persons employed by them, or under them, to lay or conduct any of the said aqueducts for the purpose aforesaid, on the side or sides, or across any public highway, provided they do not ultimately injure the same.

Public act.

X. *And be it further enacted*, That this act is hereby declared to be a public act and that the same be construed in all courts favourably and benignly for every beneficial purpose therein contained,

CHAP. CXXVII.

AN ACT *relative to the Roman Catholic Benevolent Society in the city of New-York.*

Passed April 1, 1820.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That the Roman Catholic benevolent society in the city of New-York, shall have the same power to bind out by indenture such children as have been instructed by the said society, and who have neither parents nor guardians, as the commissioners of the alms-house and bridewell in the said city have : *Provided*, That it shall be essential to the validity of every such proceeding that the mayor of the said city shall express his written approbation on every indenture so made. Power to bind out children, &c.

II. *And be it further enacted,* That the commissioners of the common school fund in the city of New-York, be and they are hereby authorised and required, to allow and pay to the trustees of the said society their proportion of the common school money, under the restrictions and limitations contained in the act, entitled "An act supplementary to the act, entitled an act for the establishment of common schools," passed March 12th, 1813. Monies payable out of school fund to trustees.

III. *And be it further enacted,* That all the estate, right, title and interest of the people of this state, in and to the real or personal estate devised by the last will and testament of Robert Finn, late of the city of New-York, deceased, and the codicil thereto, to the trustees of Saint Patrick's cathedral and of Saint Peter's church in the city aforesaid, in trust for the benefit of the Roman Catholic orphan asylum, in the city of New-York, be and the same is hereby vested in the trustees aforesaid, according to the provisions of the said last will and testament : And that the said devise, be and the same is hereby declared valid and effectual in law to vest the same in the trustees as aforesaid : *Provided however*, That nothing herein contained shall be construed to affect or destroy the vested legal rights, (if any,) of the heirs of the said Robert Finn, to such property as is mentioned in said devise. The right of the state to R. Finn's estate vested in trust, &c.

CHAP. CXXVIII.

AN ACT *to authorise a Loan of Money to Abner Cole.*

Passed April 1, 1820.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That the comptroller be and he is hereby authorised to loan to Abner Cole, of the town of Palmyra, in the county of Ontario, out of any money in the treasury not otherwise appropriated, the sum of ten thousand dollars, for the purpose of enabling the said Abner Cole to carry on the manufacturing of bar iron and castings, on an interest of seven per centum per annum, for the term of ten years, after which the principal to Ten thousand dollars to be loaned to A. Cole.

Purposes and conditions of loan.

be paid in five equal annual instalments ; the interest to be paid annually, and the principal and interest to be secured by mortgage on real estate free from all incumbrances, to double the amount of the sum loaned, exclusive of buildings thereon, which security to be approved by the attorney-general and comptroller. *And further*, the said Abner Cole shall, before receiving the sum hereby authorised to be loaned, enter into bonds to the people of the state, with two approved securities, himself in the sum of ten thousand dollars, and each of his said sureties in the sum of five thousand dollars, conditioned that the money so loaned shall be faithfully applied within two years for the purposes intended by this act ; and in case the said money shall not be so applied, it shall be the duty of the comptroller to compel the said Cole to pay back the money so loaned immediately, by prosecuting the bond or foreclosing the mortgage, and the penalty of the bond given for the application of the monies to the use contemplated in this act, shall in case of a breach of the condition, be held and adjudged to be stipulated damages.

Property to
be appraised.

II. *And be it further enacted*, That the value of the property to be mortgaged by the said Abner Cole, shall be appraised by two of the judges of the court of common pleas of the county of Ontario, and such value certified by them under oath.

Comptroller
to sell certain
bank stock.

III. *And be it further enacted*, That the comptroller be and he is hereby authorised to sell so much of the stock belonging to the people of this state, in any incorporated bank, as will amount to the sum hereby authorised to be loaned : *Provided*, such stock shall not be sold below the par value thereof : *And provided further*, That no loan shall be made as contemplated by the first section of this act, until the same shall have been received in consequence of the sale of bank stock as herein directed.

Proviso.

CHAP. CXXIX.

AN ACT to divide the Town of Canistota, in the county of Steuben.

Passed April 1, 1820.

Town of Hornellsville
erected.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That from and after the first Monday of March next, all that part of the town of Canistota, known and distinguished as township number three and township number four, in the sixth range of townships, and all that part of said town of Canistota, lying between the said township number four and the town of Dansville, shall be erected into a separate town by the name of Hornellsville ; and that the first town meeting shall be held at the house of Peter Reynolds, in said town.

Remainder to
be called
Canistota.

II. *And be it further enacted*, That all the remaining part of the said town of Canistota, shall be and remain a separate town by the name of Canistota ; and that the next town meeting be holden at the house of William Mulhollen, in said town of Canistota.

III. *And be it further enacted, That as soon as may be after* Poor and poor monies divided.
the first Tuesday of March next, the supervisors and overseers of the poor of the aforesaid towns shall, by notice to be given for that purpose by the supervisors thereof, meet together and apportion the poor maintained by the said town of Canisteo, and the poor money belonging to the same previous to the division thereof, agreeable to the last tax list ; and that each town shall for ever thereafter support its own poor.

CHAP. CXXX.

AN ACT to alter the time of holding the March Term of the Courts of Common Pleas and General Sessions of the Peace in the county of Oneida.

Passed April 1, 1820.

BE it enacted by the People of the State of New-York, re- Term 2d Tuesday of March.
presented in Senate and Assembly, That from and after the passing of this act, the March term of the courts of common pleas and general sessions of the peace in and for the county of Oneida, shall be held on the second Tuesday of March in every year, any law to the contrary notwithstanding.

CHAP. CXXXI.

AN ACT relating to the Fire Department in the city of New-York.

Passed April 1, 1820.

BE it enacted by the People of the State of New-York, re- Fines recoverable with costs.
presented in Senate and Assembly, That the fines and penalties imposed by so much of the law passed the ninth of April, in the year one thousand eight hundred and thirteen, entitled " An act to reduce several laws relating particularly to the city of New-York, into one act, as relates to the more effectual prevention of fires," shall and may be recovered with costs of suit, in any court of record within this state, by the fire department of the city of New-York, for their own use.

CHAP. CXXXII.

AN ACT for the relief of the Trustees of the United Congregation of Galway and Charlton, in the county of Saratoga.

Passed April 1, 1820.

WHEREAS Thomas Low, John Brown, James Major, James Preamble.
Gilchrist, and Peter Major, trustees of the United congregation of Galway and Charlton, have represented to the legislature, that the said congregation had, in the year one thousand seven hundred

and ninety-four, purchased a lot of land said to contain one hundred acres, to be kept as a parsonage lot ; since which time many inconveniences have arisen, both to the congregation as owners, and the clergyman as occupant, and praying that they may be authorised to sell and convey the same : Therefore,

Parsonage to
be conveyed
to J. Mairs.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the trustees for the time being, of the United congregation of Galway and Charlton, in the county of Saratoga, to sell and convey to the Reverend James Mairs, all the right and title which the said congregation have in and to the parsonage lot now in the possession of the said James Mairs, situate in the town of Galway, in the county of Saratoga ; and such conveyance when so made and executed, shall, to all intents and purposes, vest in the said James Mairs, his heirs and assigns for ever, all the estate, right, title and interest of the said congregation, in and to the said lot of land, and every part and parcel thereof.

CHAP. CXXXIII.

AN ACT to amend an Act, entitled " An Act to incorporate the South Oyster-Bay Turnpike Company," passed April 7th, 1817.

Passed April 1, 1820.

Preamble. WHEREAS the president and directors of the South Oyster-Bay turnpike company have, by their petition, represented to this legislature, that in consequence of expensive pleasure waggons having been introduced as substitutes for gigs, coaches, and other carriages, some of which pay twenty-five cents toll, and that the above said pleasure waggons, when drawn by one horse, now pay only six cents, and when drawn by two horses, pay only ten cents, and praying that the toll may be increased on said pleasure waggons : Therefore,

Toll increased.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the toll on the waggons above described, when used exclusively for pleasure on said road, and drawn by one horse, shall be increased to ten cents ; and when drawn by two horses, to fifteen cents, for every ten miles of the said road, and in the same proportion for a greater or less distance of the said road, any thing in the act hereby amended to the contrary notwithstanding.

CHAP. CXXXIV.

AN ACT authorising the Supervisors of the county of Allegany to raise monies to build a Court-House, and for other purposes.

Passed April 4, 1820.

I. BE it enacted by the People of the State of New-York, re- 6000dls. to be
presented in Senate and Assembly, That the supervisors of the raised for
several towns in the county of Allegany, or a majority of them, building a
shall be and they are hereby authorised and directed to cause to court-house
be raised and levied on the freeholders and inhabitants of the said and clerk's
county, and to cause to be paid to the treasurer of said county, office in Al-
the sum of six thousand dollars, for building a court-house and legany, and
fire-proof clerk's office for said county, in the village of Angelica, for certain
and also for making and improving certain roads herein after de- roads.
scribed, with the additional sum of five cents on each dollar for
collecting the same, in the manner and for the sums following, to
wit : The interest of the said sum of six thousand dollars, to be
levied and raised yearly, for nine successive years, from and after
the first Tuesday of October last, and from and after the first Tues-
day of October in each year ; the sum of fifteen hundred dollars,
to be raised with the interest on said sum of six thousand dollars,
for one year, in the year one thousand eight hundred and twenty-
nine ; the sum of two thousand dollars, with the interest for
one year upon the sum of four thousand five hundred dollars,
to be raised in the year one thousand eight hundred and thirty ;
and the residue of the said sum of six thousand dollars, with the
interest for one year, or for as long a period as may be then due,
to be raised in the year one thousand eight hundred and thirty-
one.

II. And be it further enacted, That the said sum of six thou- How diffi-
sand dollars with the interest, so authorised and directed to be bated.
raised as aforesaid, shall be and is hereby appropriated as follows,
to wit : The sum of four thousand dollars with the interest, for
the purpose of building said court-house ; the sum of five hundred
dollars with the interest, for the purpose of building a clerk's of-
fice ; and the sum of fifteen hundred dollars with the interest, for
the purpose of making and improving three roads, of the width of
four rods, one of which to begin at such point or place, in each of
the towns of Pike, Nunda, and Ossian, in said county of Allegany,
as the commissioners hereinafter appointed, or a majority of
them, shall deem best, and run thence, in the most direct and eli-
gible route, until they intersect the main street in the village of
Angelica.

III. And be it further enacted, That Evert Van Wickle, Amos E. Van Wic-
Peabody, Nicholas Ayrault, Azel Fitch, and Thomas Dale, are kle and oth-
hereby appointed commissioners to superintend the building of ers, commis-
said court-house and clerk's office, upon such plan or plans as sioners.
the said commissioners, or a majority of them, shall judge best,
upon such lot or lots, in the village of Angelica, as shall have been
conveyed to the supervisors of said county and their successors for

ever, and also to lay out and superintend the making and improving the roads described as aforesaid.

Recital.

And whereas it is necessary and expedient that the said court-house and clerk's office be erected with all convenient speed, and the roads or routes so designated as aforesaid, be, without delay, laid out, made or improved : Therefore,

Duty of commissioners.

IV. *Be it further enacted*, That the commissioners appointed by this act, or a majority of them, be and they are hereby authorised to proceed with the building of the said court-house and clerk's office, and the laying out, making or improving said roads ; and for the purpose of ensuring the progress of said work, the said commissioners, or a majority of them, are hereby authorised to execute a bond or bonds, conditioned for the payment of the monies to be raised and levied as aforesaid, at the times and in the manner prescribed by this act, to any contractor or contractors, their executors, administrators or assigns, who shall have erected said buildings, or who shall have made or improved said roads, or to such person or persons, their executors, administrators or assigns, who may or shall loan to said commissioners any money for the purpose of carrying into effect the provisions of this act.

Monies pledged to redeem loan, &c.

V. *And be it further enacted*, That on the said commissioners, or a majority of them, executing a bond or bonds, to said contractor or contractors, or to any person or persons, who may loan money to said commissioners for the purposes aforesaid, then and in that case the monies directed to be levied and collected by this act, or so much thereof as may be necessary, shall be and is hereby pledged for the faithful payment of the money that may or shall be due as aforesaid, with the interest thereon, to the obligee or obligees, in every such bond or bonds given as aforesaid, his or their executors, administrators or assigns ; and it shall be the duty of the treasurer of said county of Allegany, for the time being, and he is hereby required to pay over, from time to time, to the said obligee or obligees, his or their executors, administrators or assigns, the monies that shall or may be received by such treasurer, on account of the taxes hereby directed to be levied, or so much thereof as may be necessary to satisfy and pay every such bond or bonds given as aforesaid.

Duty of county treasurer.

Penalty on supervisors.

VI. *And be it further enacted*, That in case of the neglect or refusal of said supervisors, or of any of them, to perform the duties required of them by this act, then and in that case the said supervisors, or any of them, shall be liable to the same penalty which is imposed upon them in and by the tenth section of an act, entitled " An act for defraying the public and necessary charges in the respective counties of this state, and for other purposes."

Commissioners to give bonds.

VII. *And be it further enacted*, That before the said commissioners shall enter upon the duties enjoined upon them by this act, each of them shall enter into a bond with approved security, in the penal sum of four thousand dollars, to the supervisors of the said county, for the due and faithful performance of the trust reposed in them the said commissioners ; and the said commissioners shall receive for their services one dollar and fifty cents per day, for each day they may be actually employed in the duties of their office, and their accounts shall be audited by the board of supervi-

sors, and paid as other contingent expenses and charges of the county.

VIII. *And be it further enacted*, That whenever the said court-house, to be erected as aforesaid, shall be so far completed, as in the opinion of the first judge of the county of Allegany, shall be convenient to hold courts therein, then it shall be the duty of the courts of common pleas and general sessions of the peace, to adjourn their court from the present court-house of said county, to the new court-house in said village of Angelica; and the court-house to be erected as aforesaid, shall thenceforth be the court-house of the county of Allegany.

Courts when to be held in new c. house.

CHAP. CXXXV.

AN ACT relative to the Village of Newburgh.

Passed April 4, 1820.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That for discharging the appraisalment authorised to be made by the act, entitled "An act to amend the act, entitled an act to enable the trustees of the village of Newburgh to supply the inhabitants thereof with pure and wholesome water," passed April 5th, 1817, and for paying the expenses and interest that may have accrued upon the said appraisalment, the trustees of the said village are hereby empowered, upon their corporate bond or bonds, or any other security they may be able to give, or upon a specific pledge or hypothecation of the tax to be laid on the said appraisalment, to loan of any person or body politic, a sum of money sufficient for the purposes aforesaid, not exceeding the sum of five thousand dollars, which said loan shall be repaid and discharged with the monies to be raised by virtue of the act above mentioned, and at such time and times, and in such proportion, as the said trustees shall in their discretion, direct to be assessed and collected.

5000d. may be borrowed by trustees.

How to be repaid.

II. *And be it further enacted*, That the interest of the said loan may be provided for and paid by the said trustees, either out of the contingent funds of the said village, or at their discretion by an assessment or charge to be laid by them, on those of the freeholders and inhabitants of the said village, who shall use the said water, or who shall own or reside upon the lots to, or adjoining which, aqueducts are or shall be laid for carrying said water.

Interest of the loan how defrayed.

III. *And be it further enacted*, That the trustees of the said village shall exact and receive each year, for every license by them granted, to any person to retail strong or spirituous liquors, to be drank in his or her store or shop, a sum not less than ten, nor more than twenty-five dollars; and that the money so raised shall be applied towards the contingent expenses of the said village.

Excise duties

IV. *And be it further enacted*, That the second section of the act, entitled "An act to amend the act, entitled an act vesting further powers in the trustees of the village of Newburgh," passed March 19th, 1819, be and the same is hereby repealed. *Provided*, That nothing in this act shall be so construed, as to interfere with the right of the commissioners of the excise of the town of

A section repealed.

Provide.

Newburgh to grant licenses to retail strong and spirituous liquors, but they shall continue to exercise the same powers, and be entitled to exact the same sums for granting such licenses, as if this act had not been passed.

CHAP. CXXXVI.

AN ACT for the relief of the Children and Devisees of Frederick Davoue, deceased.

Passed April 4, 1820.

Preamble.

WHEREAS the children and devisees of Frederick Davoue, deceased; and the executors of his will, have, by their memorial, represented to the legislature that they are unable to sell and dispose of the real estate of the testator, without great sacrifice, for want of sufficient power contained in his will : Therefore,

Trustees appointed, and their powers.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the executor, and any two of the children of the testator, being of full age, and such further or other person as the chancellor shall deem proper to appoint, be and they are hereby declared to be trustees of all the real estate whereof the said Frederick Davoue died seised within this state, with full power to grant, bargain, sell and convey, all and singular, such part or parts thereof as they shall deem most conducive to the interest of the estate, and to make and execute to the purchaser or purchasers thereof, in fee, such deeds or conveyances as may be necessary for granting and conveying the same :

Proviso.

Provided always, That the chancellor shall approve of, and consent to the same, before the sale is consummated ; and shall also be of opinion that such sales are for the interest of the devisees under the said will : *And provided further,* That before any such deeds or conveyances shall be executed, the trustees and executor aforesaid, shall execute one or more bonds to the people of this state, to be filed in the said court of chancery, in such penalty and with such surety or sureties, as the chancellor shall approve and direct, conditioned for the faithful execution of the trust hereby granted, and to render an account of such trust whenever the said court of chancery shall require the same, and to abide such orders or decrees as the said court shall make touching the faithful disposition and distribution of the proceeds of such sales, so to be received by such trustees and executor.

Further proviso.

CHAP. CXXXVII.

AN ACT authorising the President, Directors and Company of the Banks therein mentioned, to return to the Stockholders of said Banks, part of the Capital Stock paid in by them.

Passed April 4, 1820.

Preamble.

WHEREAS the president, directors and company of the Mohawk bank, have by their petition under their common seal, re-

presented that the money heretofore called in by them on the stock of the said bank, is more than they can at the present time use to the advantage of the stockholders, and have prayed that they may be authorised to pay part of the same back to the stockholders of the said bank : Therefore,

I. *BE it enacted by the People of the State of New-York, re-presented in Senate and Assembly,* That it shall and may be lawful for the said president and directors to return to the stockholders from time to time, as they shall find it convenient, such portion of the money paid in upon the stock by them respectively held in the said bank, as the interest thereof may in their opinion require: *Provided,* That it shall not, except on the stock herein after mentioned, exceed one half of the amount so paid in by the aforesaid stockholders.

Mohawk bank may reduce their capital.

Proviso.

II. *And be it further enacted,* That as often as the said president and directors shall by resolution declare, that any sum shall be returned, of any of the money paid on the capital stock of said bank, they shall cause notice thereof to be given in a newspaper printed in the city of Schenectady, and in a newspaper printed in the city of Albany, for the space of one month; in which notice they shall state the amount of such sum to be returned on each share, and the time when the same shall be payable to the stockholders respectively.

Notice required to be given.

III. *And be it further enacted,* That it shall be lawful for the said president and directors to pay unto the treasurer of this state and to the trustees of Union College, if the comptroller of said state and the said trustees shall deem it advisable and proper, such further sum of the said stock, as the said president and directors shall deem expedient.

State treasurer & Union College entitled to a return of money, &c.

And whereas "the president, directors and company of the bank of Albany," have by a similar petition, also prayed that they may be enabled to reduce their stock : Therefore,

Recital.

IV. *Be it enacted,* That it shall and may be lawful for the said "president, directors and company," to return to their stockholders from time to time, as they shall deem convenient, and under such restrictions as to notice as aforesaid, such portions of the said stock as for the interest of the institution in their opinion may be expedient, not exceeding two fifth parts of the capital of the said bank.

Bank of Albany may reduce their capital.

And whereas the president, directors and company of the Mechanics' and Farmers' bank, in the city of Albany, have by a similar petition, also prayed that they may be enabled to reduce their stock : Therefore,

Recital.

V. *Be it enacted,* That it shall and may be lawful and proper for the said president, directors and company to return, from time to time, to the stockholders, such portion of the money paid in on the stock by them respectively held in said bank, as the interests of the bank may in the opinion of the president and directors require: *Provided,* it shall not exceed one fourth of the amount actually paid in by the aforesaid stockholders.

Mechanics' & Farmers' bank in Albany may reduce their capital.

Proviso.

VI. *And be it further enacted,* That the said directors shall cause notice to be given in two or more newspapers printed in the city of Albany, for the space of one month, in which notice they

Notice required.

shall state the amount to be repaid on each share, and the time when the same shall be payable to the stockholders respectively.

Debts of
three banks
limited-

Excess provided for.

VII. *And be it further enacted*, That the total amount of the debts which the said corporations shall at any time after the reduction of the capital stock owe, whether by bond, bill, note, or other contract, shall not exceed three times the amount of the said capital stock, which they or either of them may at any time have as aforesaid; and in case of such excess, the directors of any such bank under whose administration it shall happen, shall be liable for the same, in their private capacities; but this shall not be construed to exempt the said corporation, or any estate, real or personal, which they may hold as a body corporate, from also being liable for such excess; but such directors as shall have been absent when the said excess was contracted, or who may have dissented from the resolution or act whereby the same was so contracted, shall not be liable.

Notice to be
given to the
comptroller.

VIII. *And be it further enacted*, That whenever, and as often as the capital stock of the said banks shall be reduced, as herein authorised, it shall be the duty of the said banks respectively, to give notice thereof, under their corporate seal, to the comptroller of this state, whereupon, and from thence forward, the capital stock of such bank shall be and consist of the amount to which the same shall be so reduced.

CHAP. CXXXVIII.

AN ACT for establishing and regulating a Ferry across the Seneca Lake.

Passed April 4, 1820.

J. Goodwin
to keep a ferry
across Seneca lake.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for John Goodwin, of the town of Reading, in the county of Steuben, his heirs and assigns, to keep and maintain a ferry across the Seneca lake, from the place where he now resides, in said town of Reading, to land owned by him in the town of Hector, in the county of Tompkins, for and during the term of ten years from and after the passing of this act.

Boats and
rates of ferriage.

II. *And be it further enacted*, That the said John Goodwin, his heirs or assigns, shall keep and maintain a sufficient boat, capable of conveying a waggon and four horses, and such other boats as shall be necessary to transport persons, goods and chattels, and may demand and receive the several rates of ferriage as was last ordered by the court of common pleas of the county of Steuben, in their license granted to the said Goodwin to keep a ferry at the said place, until altered or otherwise ordered by said court.

Power of
Steuben com-
mon pleas.

III. *And be it further enacted*, That the court of common pleas for Steuben county, may, at any time hereafter, and as often as the said court shall deem necessary, order and determine the several rates of said ferry, and the hours in each day that the boat or boats shall be kept in readiness; and if the said John Goodwin, his heirs or assigns, or any person employed by him or them, shall take, exact or receive any greater rates of ferriage, for transporting

persons, goods or chattels, or other things whatsoever, than was last limited or established by the said court, or shall hereafter be limited and established by the said court, the person so offending, shall for every such offence forfeit and pay the sum of five dollars, to be recovered with costs, in any court having cognizance thereof, by any person who will sue for the same.

VI. *And be it further enacted*, That if the said John Goodwin, his heirs or assigns, shall wilfully neglect to comply with the true intent and meaning of this act, it shall be lawful for the said court to adjudge that all the privileges granted under this act shall cease.

Act when to cease.

CHAP. CXXXIX.

AN ACT further to amend an act, entitled "*an act to establish a Turnpike Incorporation, from the Susquehannah River, in the town of Jerico, in the county of Chenango, to the town of Bath, in the county of Steuben,*" and to incorporate the *Susquehannah Bridge Company*.

Passed April 4, 1820.

WHEREAS the president and directors of the Susquehannah and Bath turnpike road company, have by their petition represented, that alterations in said road may be made between the half-way brook and Caleb Hyde's, in the town of Lisle, advantageous to the travelling on said road, by shunning several very high hills: Therefore,

Preamble.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for the president and directors of the Susquehannah and Bath turnpike road company, at any time within three years after the passing of this act, to alter and vary the route of said road in such manner and at such places within the bounds heretofore mentioned in the preamble to this act, as the said president and directors, or a majority of them shall order and direct, subject, however to all the provisions and restrictions contained in the said act hereby amended, for laying out and improving said road; and whenever the said turnpike company shall have completed any part of the contemplated improvements, they may, in the manner herein-after directed, close such part of the road at present used, as may, by means of such improvements, be rendered useless and unnecessary: *Provided however*, That before such part or parts of the said road shall be done,* the altered and improved parts shall have been inspected and approved by two commissioners, to be appointed on the application of the said president and directors, by any one of the judges of the supreme court of judicature of this state, the said commissioners not being interested in the stock of said company; of which inspection and approbation, the said commissioners shall make a certificate in writing, and shall cause the same to be filed and entered of record in the book of deeds, kept by the clerk of the county of Broome.

Route of road may be altered.

Proviso.

*So in the original—the word probably intended is "closed."

Road altered
declared the
turnpike road.

II. *And be it further enacted*, That immediately after the filing of the said certificate, the said road so altered by the said president and directors, shall be deemed and taken as and for the turnpike road of said company, and be entitled in all things to the same rights and privileges, and subject to the same restrictions, as are set forth and expressed in the act incorporating the said president and directors : *And further*, the said president and directors immediately thereafter[may] close up and sell such part or parts of the present road, as may, by such alteration, be abandoned : *Provided*, That no sale shall be made to any other person than the reversioner or owner of the land adjacent, according to the tenure by which he shall hold such adjacent land, upon the said reversioner or owner paying the said company the price which said land was appraised to the said company, at or before the construction of the original road : *And provided further*, That all such parts of the said road as were ceded to the said company, freely and without compensation, shall immediately revert to the person or persons granting or ceding the same, according to the interest he or they held in the same, at the time of such cession or grant.

Id. 50c. may
be required
on each share

III. *And be it further enacted*, That it shall and may be lawful for the said president and directors, to require from the stockholders of the said company, the further payment of the sum of one dollar and fifty cents, on each and every share of the capital stock heretofore subscribed, and paid, in such proportions and at such periods as the said president and directors shall think proper to call for the same, under pain of forfeiture of every share on which said sum shall not be paid : *Provided*, That no such forfeiture shall be declared, or take effect, unless a previous notice of the requirement herein before mentioned, shall have been published once in every week, for three months, in the following newspapers, to wit : in one of the newspapers printed in the county of Chenango, one in the county of Tompkins, and in the state paper in the city of Albany.

Two thirds of
the stockholders
to assent,
&c.

No suit to lie.

IV. *And be it further enacted*, That it shall not be lawful for the said president, directors and company to make the requirement mentioned in the third section of this act, unless the same shall be previously agreed to by the holders of two thirds of the stock of said company ; and no suit shall be brought against any stockholder for the payment authorised by this act, but the payment shall be enforced only by the forfeiture of the stock.

CHAP. CXL.

AN ACT to amend the Act, entitled " *An Act to authorise the Supervisors of the county of Oswego to raise money to build a Gaol in the said county,*" passed March 12th, 1819.

Passed April 4, 1820.

Compensation
to commissioners.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That each of the commissioners appointed by virtue of the act above mentioned, shall be entitled to and receive one dollar and fifty cents per day, for each and

every day necessarily employed by them in performing the duties required by the aforementioned act ; and the supervisors of the county of Oswego are hereby authorised and required to audit the accounts of the said commissioners for the services they may have performed or shall perform, under the said act, and to cause the amounts thereof to be levied, collected and paid as the other contingent expenses of the county are levied, collected and paid. Account show audited

II. *And be it further enacted*, That the board of supervisors of the county of Oswego, may, at their discretion, receive the resignation of any one or more of the commissioners appointed under the act aforesaid, or under this act, and they shall have full power and authority to appoint such suitable person or persons, to fill all vacancies occasioned by such resignation or otherwise ; which person or persons so to be appointed by the said board of supervisors, as commissioner or commissioners, shall have the same power, give the same security, and be subject to the same account, as the commissioners appointed by the act aforesaid. Resignation and vacancies.

CHAP. CXLI.

AN ACT to divide the town of Bergen, in the county of Genesee.

Passed April 4, 1820.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That from and after the first Monday of April, in the year one thousand eight hundred and twenty-one, all that part of the town of Bergen, in the county of Genesee, lying to the west of a line to be run north and south through the said town of Bergen, one mile west of the west line of the triangle and parallel thereto, shall be and hereby is erected into a separate town, by the name of Byron ; and that the first town meeting shall be held at the house of Benjamin Hall, on the first Tuesday in April, in the year one thousand eight hundred and twenty-one. Town of Byron erected.

II. *And be it further enacted*, That all the remaining part of the town of Bergen shall be and remain a separate town, by the name of Bergen ; and that the town meeting in the year one thousand eight hundred and twenty-one, shall be held at the house of Timothy T. Hart, in said town. Residue called Bergen.

III. *And be it further enacted*, That as soon as may be after the first Tuesday of April, in the year one thousand eight hundred and twenty-one, the supervisors and overseers of the poor of the towns of Bergen and Byron, notice being first given for that purpose, shall meet together and divide the money and poor belonging to the town of Bergen, previous to the division, agreeably to the last tax list, and that each of the said towns shall for ever thereafter respectively maintain its own poor. Poor and poor monies to be divided.

CHAP. CXLII.

AN ACT to revive an Act, entitled "*An Act establishing and regulating a Ferry across Lake Champlain, at Cumberland-Head,*" passed March 16, 1810.

Passed April 4, 1820.

Act continued 10 years.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the act, entitled "An act establishing and regulating a ferry across Lake Champlain, at Cumberland-Head," passed March sixteenth, one thousand eight hundred and ten, be and the same is hereby revived and continued in full force, for and during the term of ten years, to be computed from the first day of September next after the passing of this act.

CHAP. CXLIII.

AN ACT for the relief of the Trustees of School Districts number one, fourteen, and seventeen, in the town of Otsego.

Passed April 4, 1820.

Certain reports to be received.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the commissioners of common schools for the town of Otsego, in the county of Otsego, be and they are hereby authorized and required to receive for the present year, from the trustees of school districts number one, fourteen, and seventeen, in the said town, the annual district reports required by the twenty-seventh section of the act, entitled "An act for the support of common schools," to be made on or before the day appointed by law for the annual town meeting; and that such reports, when received, be acted on by the said commissioners, in the same manner as if made on or before the day of the annual town meeting in said town: Provided, the same be received by them before the public monies in their hands, for the present year, be actually distributed and paid to the districts in said town, from which regular reports have been made.

Provide.

CHAP. CXLIV.

AN ACT to provide for a deficiency of State Tax, due to the State Treasury, from the counties of Oneida, Onondaga, and Oswego.

Passed April 4, 1820.

A deficiency of \$2792. 18c. provided for.

BE it enacted by the People of the state of New-York, represented in Senate and Assembly, That it shall be the duty of the treasurer of the county of Onondaga, and the clerk of the board of supervisors of the said county, on or before the first Tuesday of August next, to nominate and appoint two of the supervisors

of said county ; and it shall be the duty of the treasurer of the county of Oswego, and the clerk of the board of supervisors of the said county of Oswego, on or before the day aforesaid, to nominate and appoint two of the supervisors of the said county of Oswego ; and it shall be the duty of the treasurer of the county of Oneida, and the clerk of the board of supervisors of the said county of Oneida, on or before the day aforesaid, to nominate and appoint two of the supervisors of the said county of Oneida ; all of which supervisors so nominated and appointed as aforesaid, shall meet at the court-house in Onondaga, on the first Tuesday of September next, to determine in what manner a deficiency of three thousand two hundred and seventy-nine dollars and eighteen cents in the amount of state tax due to the treasury of this state from the said three counties, shall be made up ; which deficiency happens in consequence of the aggregate of the valuations of real estate in the said counties, taken by the assessors under the authority of this state, falling short of the aggregate of the valuations of the same estates taken by the assessors acting under the authority of the United States : and the persons so to be appointed shall investigate the matters herein mentioned, and shall examine the returns of the valuations of the several towns in the said counties, made by the assessors of the United States and of this state ; and receive from the comptroller a certified statement of the said deficiency with the interest thereon, calculated to the said last mentioned day ; and shall have full power to adjudge and determine the proportion of said deficiency which each of the said counties shall pay into the treasury of this state, and shall report the same to the boards of supervisors of the said counties respectively, at their next annual meeting, who shall thereupon take the necessary measures to cause such proportion to be raised and paid, with the interest due on the same.

CHAP. CXLV.

AN ACT to amend that part of the Act, entitled "*An Act to reduce several laws relating particularly to the city of New-York, into one act,*" which relates to *Wharves, Piers, and Slips.*

Passed April 7, 1820.

I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That if the proprietors of the lots of land, or of land under water, adjoining and nearest, and opposite to the East river or Sound, and to the North or Hudson's river, in the city of New-York, shall not respectively make and complete, in proportion to the breadth of their said lots of land, at their own expense, regular streets or wharves, of the width of seventy feet, according to the plan which has been agreed upon for that purpose, by the mayor, aldermen and commonalty of the city of New-York, for the formation and regulation of South-street and West-street, by certain days to be for that purpose appointed by the said mayor, aldermen and commonalty ; and also fill up and

Regulations
concerning
wharves,
piers & slips,
&c.

level, at their own expense, according to such plan, the spaces lying and being between their said several lots of land and the said streets and wharves called South-street and West-street, and on a level therewith ; that then it shall and may be lawful for the said mayor, aldermen and commonalty, to cause the said streets or wharves and the said intermediate lots or pieces of land, or land under water, or any part thereof, to be executed and done, for and on account of the said proprietors respectively, and to charge them with the expense thereof ; and if the said proprietors respectively shall not forthwith repay the said expense, with lawful interest thereon, from the time of the expensiture, that then it shall be lawful for the said mayor, aldermen and commonalty, to levy the same, together with the interest thereof, and all reasonable costs and charges attending such proceedings, by distress and sale of the goods and chattels of such proprietors, or the occupants of the said lots respectively, by virtue of a warrant to be issued by them for that purpose, to any suitable person, or to recover the same from the said proprietors respectively, by action of debt, in the supreme court of this state, wherein it shall be sufficient to allege generally that the defendants respectively are indebted to the said mayor, aldermen and commonalty, in a certain sum of money expended on their account by virtue of this act ; and in such action any less sum than the one declared for may be recovered, and full costs shall be taxed for the plaintiffs, if judgment shall be given in their favour.

Monies when
levied, and
how collect-
ed.

Lots when
and how ad-
vertised for
sale.

II. *And be it further enacted*, That whenever any such sums of money, or any part thereof, shall not be collected, and the person to whom said warrant shall be directed shall make affidavit of his demanding the same two several times of the respective proprietor or proprietors of such lots of land, or of land under water, as may reside in said city, and that they have neglected or refused to pay the same, or shall make affidavit that the proprietor or proprietors of such lots of land cannot be found in the said city, then and in such case it shall and may be lawful for the mayor, aldermen and commonalty of the city of New-York, to take order for advertising and selling the said lots of land, or any of them, together with all the rights and privileges thereunto appertaining or belonging, in pursuance of the second section of the act, entitled " An act for the more effectual collection of taxes and assessments in the city of New-York," and the said second section of the said act, shall have the same application, and the like force and effect, to all intents and purposes, relative to the premises which it has in relation to the premises therein mentioned.

Covenants,
&c. in former
grants not
prejudiced,
&c.

III. *And be it further enacted*, That every clause, covenant and condition, in the several grants of the mayor, aldermen and commonalty of the said city, to the said proprietors respectively, or those under whom they claim, to be kept, observed, or performed, by the grantees respectively, and their respective heirs, executors, administrators and assigns, shall notwithstanding this act, retain their full force and validity, and shall be in no manner affected by the same, or by any thing to be done or performed in consequence thereof ; and the said mayor, aldermen and commonalty shall have, possess, and be entitled unto the like payments, rights and remedies, by virtue of the said grants, as they might or could have had, or would have been entitled to, if this act had never

been passed ; and shall not by the performance of any thing herein contained, be deemed to have broken or infringed any of the covenants or conditions on their part, contained in the said grants.

CHAP. CXLVI.

AN ACT to amend the Act, entitled "*An Act to open and improve a Road in the counties of Cayuga, Seneca and Ontario,*" passed April 21, 1818.

Passed April 7, 1820.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That the several collectors appointed under and by virtue of the act hereby amended, to collect the taxes or assessments therein mentioned, shall respectively, within three months after the said assessments shall be to them hereafter delivered for the purpose of collection, settle his or their account of the said tax contained in his or their tax bills, with the commissioners appointed under and by virtue of the said act ; and in case any of the taxes mentioned in the assessment roll, annexed to his or their warrant, or any part thereof, shall at the time of such settlement remain unpaid, it shall be the duty of such collector or collectors to make oath before a judge or justice of the peace of the county where such collector shall reside, (which oath such judge or justice is hereby authorised to administer,) of the amount of taxes or parts of taxes so remaining unpaid ; and in every such case the said commissioners shall, as soon as may be, transmit to the comptroller of this state the said amount or return of arrears, with the oath of the collector as aforesaid written at the foot or on the back of the said account or return ; and the comptroller is hereby required to receive from the commissioner or commissioners aforesaid, his or their return or returns, and thereupon to pay to the said commissioners, or to their order, the amount of the arrearages of the taxes so returned ; and that interest be charged on said arrearages, from and after the day of such return to the comptroller : *And further,* That the comptroller be, and he is hereby authorised and required to collect said arrearages ; and that his proceedings for the collection thereof shall in all respects be the same, and at the time, as for the collection of non-resident taxes for the year one thousand eight hundred and nineteen.

Duty of collectors.

Returns to be made to the comptroller.

His duty.

II. *And be it further enacted,* That whenever the road laid out and established under and by virtue of the act hereby amended, doth run through improved and cultivated land, the owner or owners thereof shall be paid such damages as he or they may sustain thereby, which damages shall be determined and assessed ; and it shall be the duty of the commissioners appointed in and by virtue of the said act, to pay such damages, together with the costs and charges incident thereto, to the person or persons in whose favor such damages may be assessed, out of the monies which may come into their hands by virtue of this act or the said act hereby amended, and which shall not have been otherwise appropriated,

Owners of improved land to be paid their damages, &c.

in the same way and manner as is directed in and by the sixteenth section of the act, entitled an act to regulate highways.

Penalty on
collectors.

III. *And be it further enacted*, That if either of the collectors of the different towns through which the aforesaid road doth pass, shall neglect or refuse to do and perform all and singular the acts required of them to be done or performed, either by this act or the act hereby amended, such collector so neglecting or refusing, shall forfeit to the people of this state, the sum of two thousand dollars, to be recovered by action of debt or information, in any court of record; and it shall be the duty of the attorney-general to prosecute for such forfeiture, and to pay the same, when recovered, to the treasurer of this state, for the use of the people thereof.

New de-
scriptions,
when made.

IV. *And be it further enacted*, That in case any of the returns made or to be made by the said commissioners to the comptroller, shall be rejected, it shall and may be lawful for them to make such new description as shall be satisfactory to the comptroller.

CHAP. CXLVII.

AN ACT to amend an act, entitled "*an act to establish a turnpike corporation, for improving and making a road from that point on the eastern bank of the Chenango river, where the Great Western Turnpike Road abuts the same, to or near the house of Benjamin James, in the town of Fabius, in the county of Onondaga,*" and the several acts amending the same.

Passed April 7, 1820.

St. on each
share may be
required.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for the president and directors authorised by the act hereby amended, to increase the funds of the said company by assessing, levying and raising a sum not exceeding three dollars on each and every share, in the stock allowed by the said act of incorporation, and subscribed for; which sum so to be raised and collected, shall be in equal proportion, upon each and every share so subscribed for, to be collected and paid in the manner prescribed in the act incorporating the said company, and hereby amended, subject on default of payment to the pains and forfeitures mentioned in the said act.

Certain part
of former act
repealed.

II. *And be it further enacted*. That so much of the said act as exempts from the payment of toll, persons residing not more than one mile from the gates on the said turnpike, be, and the same is hereby repealed.

Number of
directors re-
duced.

III. *And be it further enacted*, That the number of directors of the said company shall hereafter be seven, instead of thirteen, who shall be chosen in the same manner and vested with the like powers that are now exercised by the directors of the said company, and shall be elected for the same period of time as is prescribed by the act hereby amended; and any five of whom shall be a quorum, any law to the contrary notwithstanding.

CHAP. CXLVIII.

AN ACT to alter the time of holding town meetings in the town of Essex, in the county of Essex.

Passed April 7, 1820.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the annual town meetings to be held in the town of Essex, in the county of Essex, shall hereafter be held on the first Tuesday in March; and that all such town officers whose duty it is to meet on the last Tuesday of March, shall meet on the last Tuesday of February in every year, to do and transact such business as to their respective offices may appertain.

Town meeting on 1st Tuesday in March.

CHAP. CXLIX.

AN ACT for the relief of David Carswell.

Passed April 7, 1820.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be lawful for the commissioners of the land-office, and they are hereby required to grant letters patent to David Carswell, for one hundred acres of land in the tract set apart for the use of the line of this state, serving in the army of the United States, as a gratuity for his services during the late revolutionary war.

Patent to be issued to D. Carswell.

CHAP. CL.

AN ACT to amend an act, entitled "an act for the relief of the town of Hadley," passed February 7th, 1817.

Passed April 7, 1820.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the collector in and for the town of Hadley, referred to in the said act, be, and is hereby authorised to collect the residue of tax due on his tax list, and make returns as directed in his warrant, on or before the first day of June next; and for neglect thereof, he shall be liable in the same manner as is provided for in the act relative to the duties and privileges of towns, passed March 19th, 1813.

Time extended to collector of Hadley

CHAP. CLI.

AN ACT to incorporate *Wawarsing and Traps Turnpike Company.*

Passed April 7, 1820.

Corporation
created.Style and ge-
neral powers.

Provided.

Capital stock.

Tolls.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That Cornelius I. Hoorbeck, Joshua Dumond, Wilhelmus Bevier, Jacobus Bruyn and all such other persons as shall associate for the purpose of making a turnpike road, commencing at the place called the Traps, on the Shawangunk mountains, in the town of Rochester, and county of Ulster, and running westward so as to intersect the first great southwestern turnpike road, at, or near the Wawarsing meeting-house, in the town of Wawarsing and county of Ulster aforesaid, and their successors, be, and they are hereby created a body corporate and politic, by the name of "the president, directors and company of the Wawarsing and Traps turnpike road," and they are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, and by that name they and their successors shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, in all manner of actions and complaints, matters and causes, and by the same name and style, shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of the said corporation: *Provided,* That such estate, as well real as personal, so to be purchased and held, shall be such only as shall be necessary to fulfil the end and intent of the said corporation, and for no other purpose whatever.

II. *And be it further enacted,* That the stock of the said company hereby incorporated, shall consist of five hundred shares of twenty-five dollars each, and that Johannes Hoorbeck, William Doll, William Hixon, Ira Gale and Egbert R. De Witt, be, and they are appointed commissioners to receive subscriptions for said stock, in the manner directed by the act, entitled "an act relative to turnpike companies," passed March 13th, 1807.

III. *And be it further enacted,* That the said company hereby incorporated, shall be entitled to exact and receive, at the gate to be erected on said road, the following sums of money from all persons travelling or using the same, to wit: for every score of hogs or sheep, eight cents; for every score of cattle, horses or mules, twenty-five cents; for every chair, sulky or chaise with one horse, twelve and half cents; for every horse rode or led or driven, five cents; for every chariot, coach, coachee, phaeton, pleasure waggon or pleasure carriage drawn by two horses, twenty-five cents; for every additional horse, three cents; for every stage, waggon or other four wheeled carriage, drawn by two horses, mules or oxen, twelve and half cents, for every additional horse, mule or ox, three cents; for every cart drawn by two oxen, twelve and half cents, and for every additional yoke of oxen or pair of horses or

mules, six cents ; for every sled drawn by two oxen or horses, six cents ; for every sled if drawn by one horse, mule or ox, three cents.

III. *And be it further enacted*, That the said company hereby incorporated; shall have and enjoy all the rights, privileges, powers and immunities, which are given and granted in and by the aforesaid act, entitled "an act relative to turnpike companies," and the act amending the same, and shall be subject to all the conditions, restrictions and regulations contained in the said general act.

CHAP. CLII.

AN ACT authorising an additional Term of the General Sessions of the Peace in and for the county of Niagara.

Passed April 7, 1820.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That hereafter there shall be an additional term of the general sessions of the peace held in and for the county of Niagara, on the third Tuesday of November in each and every year, and that the said term may continue to be held from the time of its commencement until the Saturday next following inclusive.

Another term
3d Tuesday
in Nov. annually.

CHAP. CLIII.

AN ACT to amend an Act, entitled "An Act to provide for the Inspection of Hops," passed April 9, 1819.

Passed April 7, 1820.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That no person or persons whatsoever shall ship for exportation, from this state, any hops before he or they shall first submit the same to the view and examination of one of the inspectors, whose duty it shall be carefully to examine and inspect all hops which may be brought to him for that purpose, and shall distinguish the hops by him so inspected, by the words "Hops first sort," "Hops second sort," and "Refuse hops," (agreeably to the quality thereof,) the letters of his name, the place where, and the time when, such hops are so inspected, in words and figures at full length, to be marked or painted in plain legible letters, on each of the bags so inspected, which said bags shall contain not less than one hundred and fifty nor more than four hundred pounds of hops ; and such inspector shall also weigh the same, and mark or paint on each bag the gross weight thereof, and shall deliver to the owner or owners an invoice or weigh note under his hand, of the weight of each bag of hops, by him so inspected as aforesaid ; in which invoice or weigh note, he shall distinguish the said hops in the manner before directed, and not in any other way, or by any other denomination ; for which services the said inspectors shall have and receive twelve and a half cents

Hops for exportation to be inspected.

Com. to inspectors.

for every hundred weight of hops so inspected, one half to be paid by the purchaser, and the other by the vendor.

Begging required for ten days, &c.

II. *Provided always, and be it further enacted*, That it shall not be lawful, for any inspector to inspect any hops, until he shall receive satisfactory proof that the same have been bagged for at least ten days previous to their inspection.

Inspectors to be appointed in Utica, &c.

III. *And be it further enacted*, That in addition to the inspectors to be appointed by the aforementioned act, of which this is an amendment thereof, that an inspector of hops be appointed in each of the villages of Utica, Oswego, Buffalo and Whitehall, and that from and after the passage of this act, so much of the "Act to provide for the inspection of hops," passed April 9, 1819, which is inconsistent with the spirit and tenor of this amendment, be and the same is hereby repealed.

CHAP. CLIV.

AN ACT to amend an Act, entitled "An Act to confirm the sale of certain Common Lands, made by the Trustees of the village of Lansingburgh."

Passed April 7, 1820.

Accounts to be exhibited, &c.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the trustees of the said village of Lansingburgh, shall, every year after the passing of this act, at the annual meeting for the election of said trustees, exhibit an account of the expenditures of all monies received by them, under and by virtue of the act hereby amended, to the freeholders and inhabitants of said village.

CHAP. CLV.

AN ACT to protect the Fishery in Basha's-kill, in the town of Mamakating, in Sullivan county.

Passed April 7, 1820.

Fishery in Basha's-kill.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the passing of this act, it shall not be lawful for any person to take fish of any kind in the town of Mamakating, in the county of Sullivan, in the stream commonly called Basha's-kill, by any net or seine of any description; and every person offending against this act, shall be liable to a penalty of five dollars for each offence, to be sued for and recovered for the use of the overseers of the poor of said town, by any person who shall prosecute for the same.

CHAP. CLVI.

AN ACT in addition to an Act, entitled "*An Act to incorporate the city of Troy.*"

Passed April 7, 1820.

BE it enacted by the People of the State of New-York, re-
presented in Senate and Assembly, That after the passing of this
act, the clerk of the court of common pleas, called the mayor's
court of the city of Troy, shall not draw out of the box by him
kept for that purpose, the names of jurors to serve at the said
court, at any term thereof, unless there shall have been lodged in
his office a written notice of trial of an action pending before said
court, together with a note in writing of the issue in such action to
be tried by a jury, at least eight days before the sitting of said
court at which such action shall be noticed for trial : And in case
such notice shall be so lodged in the office of the said clerk, it shall
be his duty thereupon, without any previous public notice there-
for, to draw out of the box by him kept for that purpose, the names
of the requisite number of jurors for said court, and make out and
certify under his hand, a panel of the names of such jurors so
drawn out; and deliver the same to the marshal of said city, at least
seven days before the sitting of said courts, at which the said action
shall be so noticed for trial ; and it shall thereupon be the duty of
the said marshal to summon the several persons whose names shall
be contained in such panel, to attend said court as jurors, at least
five days before the sitting of said court, and to make return in
what manner he shall have served such process.

Provision as
to drawing
jurors, &c.

Panel.

Marshal's
duty.

CHAP. CLVII.

AN ACT for the relief of the President, Directors and First
Company of the Northern Turnpike Road.

Passed April 7, 1820.

WHEREAS the president, directors and first company of the
Northern turnpike road, by their petition, have represented that
the north part of said road has become unproductive, in conse-
quence of the inhabitants of the town of Granville having made a
new road, by which the gate in said town is avoided, and have
prayed leave to abandon such part of said road : Therefore,

Preamble.

BE it enacted by the People of the State of New-York, re-
presented in Senate and Assembly, That the said company may, by
an instrument or instruments under their common seal, to be filed
in the office of the clerk of the county of Washington, abandon six
miles or more, and not exceeding eleven miles, of the north part of
said road as now made ; and that from and after the filing the
said instrument or instruments as aforesaid, the same shall be con-
sidered abandoned, and the said company shall be relieved from
keeping such part of said road in repair ; and the road so aban-
doned shall be and remain a public highway, and the commission-

From 6 to 11
miles may be
abandoned.

To be a pub-
lic highway.

ers of highways of the town of Granville are hereby authorised and required to assess the inhabitants living thereon to work the same, agreeable to the act to regulate highways.

CHAP. CLVIII.

AN ACT to prevent the destruction of Fish in the Copac Lake, and in the counties of Albany and Dutchess.

Passed April 7, 1820.

Fishery in
the Copac
lake.

I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall not be lawful for any person at any time before the first day of July, which will be in the year one thousand eight hundred and twenty-three, to take any fish of any kind, in the waters of the Copac lake, situated in the town of Taghkanick, in the county of Columbia, between the first day of March and the first day of July, in each year, by means of spears, or by shooting, and any person offending herein, shall for every such offence, forfeit ten dollars, to be recovered with costs of suit, by action of debt, in any court having cognizance thereof, the one half of which forfeiture, when recovered, shall be paid to the prosecutor, and the other half to the overseers of the poor of the town, for the use of the poor thereof.

Penalty.

In streams in
Albany and
Dutchess co.

Penalty.

II. And be it further enacted, That no person or persons shall be allowed to catch trout either by nets or snares in any brook, stream, or creek of water within the counties of Albany or Dutchess, under a penalty of ten dollars, to be sued for in the name of the overseer or overseers of either of the towns in the said counties, the one half of the said penalty for the use of the person or persons suing for the same, and the other half for the use of the poor of the said counties,

CHAP. CLIX.

AN ACT to prevent Abuses in proceedings before Justices of the Peace.

Passed April 7, 1820.

Justices and
constables
not to pur-
chase notes,
&c. for col-
lection, nor
advance mo-
ney thereon,
&c.

I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That no justice of the peace, or constable, shall directly or indirectly buy, or be interested in buying, any bond, bill or promissory note, bill of exchange, book debt or other chose in action, for the purpose of commencing any action thereon; nor shall any justice or constable, by himself, or by or in the name of any other person or persons, either before or after suit brought, either lend or advance, or agree to lend or advance, or procure to be lent or advanced, any money to any person, in consideration of, or as an inducement to, the placing, or having placed in the hands of such justice or constable, any debt, demand, or chose in action, against any other person, for collection; and every justice or constable offending in the premises, shall be deemed guilty of a misdemeanor, and on conviction, shall be sub-

ject to fine and imprisonment, or either, in the discretion of the court before whom such conviction shall be had ; and such conviction shall operate as a forfeiture of the office of such justice or constable.

II. *And be it further enacted,* That it shall be lawful for any defendant in any suit brought on any bond, bill, promissory note, bill of exchange, book debt, or other chose in action, before any justice of the peace, to prove, on the trial of the cause, that such bond, bill, promissory note, bill of exchange, book debt, or other chose in action, hath been bought and sold, or received for prosecution, contrary to the provisions of this act ; and on such trial, the plaintiff or plaintiffs, and any other person who may be interested in the recovery in such cause, shall and may be examined, on oath, touching the said defence ; and if such plaintiff or other person who may be interested in such recovery, shall refuse to answer, on oath, any pertinent question, tending to shew a violation of this act, or if upon such trial it shall appear that such bond, bill, promissory note, bill of exchange, book debt, or chose in action, hath been bought or procured, or that any money hath been lent or advanced upon the same, contrary to this act, the plaintiff shall thereupon be nonsuited : *Provided,* That any evidence derived from the examination of the plaintiff, or other person interested in such recovery, shall not be admitted in proof on any criminal prosecution against such plaintiff, or other person interested in such recovery, for a violation of the provisions of this act ; and the defendant in any such suit, may serve a notice on the plaintiff, at least two days before the trial, requiring him to appear personally at such trial ; and in case such plaintiff shall not attend as aforesaid, he shall be non-suited, in case due proof be made of the service of such notice, unless such failure to attend shall be satisfactorily accounted for by the plaintiff, in which case the trial shall be postponed, from time, until such plaintiff shall personally attend the same ; and whenever the plaintiff shall attend, pursuant to such notice, he shall be entitled to receive, from the defendant, the same fees as are allowed by law to witnesses in like cases.

Plaintiffs and others may be examined as witnesses in such cases.

Proviso.

III. *And be it further enacted,* That no constable shall ask, demand, take or receive, any money, goods, chattels, choses in action or other valuable thing whatever from any defendant or any other person, as a consideration or inducement for postponing the sale of any property, or for delaying to take the defendant to prison, under any execution in the hands of such constable ; and every constable offending in the premises shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be subject to fine and imprisonment, or either, in the discretion of the court, and such constable shall thereupon forfeit his office.

Constables not to take money for delaying sales,

IV. *And be it further enacted,* That it shall not be lawful for any justice of the peace to issue or deliver to any constable, or to any other person, any blank summons, warrant, or other process, signed by such justice, in which the names of the plaintiff and defendant, and the cause of action, or either of them shall be omitted ; and every justice offending in the premises, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be subject to fine and imprisonment, or either, in the discretion of the court, and shall thereupon forfeit his office.

Blank summons not to be delivered to constables.

CHAP. CLX.

AN ACT to amend the act, entitled "*an act to amend an act, entitled an act to reduce several laws relating particularly to the City of New-York into one act, as far as it relates to Assistant Justices,*" passed January 4th, 1820.

Passed April 7, 1820.

Certain section extended.

I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the one hundred and eighteenth section of the act entitled "*an act to reduce several laws relating particularly to the city of New-York, into one act,*" passed April 9th, 1813, authorising any marshal or constable of the said city, whenever he shall arrest any defendant on a warrant from the marine court of said city, to take security for his appearance, in case the said court shall not be sitting, be, and the same is hereby declared to apply to warrants issuing out of the assistant justices' courts of the said city and county of New-York; and that the regulations and provisions of the said section shall have the same force and effect to all intents and purposes in the said assistant justices' courts, as the same have or ought to have in the said marine court.

Certain other sections extended.

II. And be it further enacted, That the one hundred and thirty-sixth and one hundred and thirty-seventh sections of the said act referred to in the preceding section, regulating the time and manner of issuing executions on judgments for sums over twenty-five dollars, in the said marine court: And also, the one hundred and fifteenth section of the same act, authorising the clerk of the said marine court to administer oaths in certain cases, where warrants are applied for, be, and the same are hereby declared to apply to the assistant justices' courts of the said city, and the clerks of the same in relation to the administering of such oaths; and that the regulations and provisions of the said sections shall have the same force and effect in the said assistant justices' courts, and every of them, as they have or ought to have in the marine court of the said city, excepting so much of the said one hundred and thirty-seventh section, as relates particularly to the marine causes, and as is contained in the second proviso thereof.

Fees to assistant justices.

III. And be it further enacted, That the fees which shall be paid to the assistant justices, in all cases where more than twenty-five dollars shall be recovered, shall be the same as are paid to the justices of the marine court of the city of New-York.

Certain sections repealed.

IV. And be it further enacted, That the eighth section of an act entitled "*an act to extend the jurisdiction of justices of the peace,*" passed April 10th, 1818, as far as the same relates to the assistant justices of the city of New-York, and also, the eleventh section of the act hereby amended, be, and the same are hereby repealed.

Fees to constables & marshals.

V. And be it further enacted, That the like fees shall be allowed to the constables and marshals in the assistant justices' courts in the city of New-York, when more than twenty-five dollars are recovered exclusive of costs, as are now allowed the constables and marshals in like cases, in the marine court of the city of New-York.

VI. *And be it further enacted*, That the said assistant justices shall have cognizance of all suits upon bail bonds, and cognizance taken in their courts, or by the officers thereof, although the sum demanded exceeds fifty dollars. Suits on bail bonds, &c.

VII. *And be it further enacted*, That it shall not be lawful for the constables or marshals of the said city, to appear and advocate for either plaintiff or defendant, in either the marine court or assistant justices' court in said city. Constables, &c. not to appear as advocates.

CHAP. CLXI.

AN ACT to authorise Jacob Snider and James L. Brinkerhoof to turn the waters of Duck-Lake into Red-Creek, in the town of Wolcott, in the county of Seneca.

Passed April 7, 1820.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That Jacob Snider and John L. Brinkerhoof, their heirs and assigns, be, and they are hereby authorised and empowered to turn the waters of Duck-Lake into Red-Creek, in the town of Wolcott and county of Seneca: *Provided*, That no individual shall suffer any inconvenience or damage thereby. Powers given. So in the original act. Previous.

CHAP. CLXII.

AN ACT to alter the time of holding Town Meetings in the town of Saratoga Springs, and the town of Saratoga.

Passed April 7, 1820.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That hereafter the town meetings in the town of Saratoga Springs and the town of Saratoga, in the county of Saratoga, shall be held on the first Tuesday of April annually, and that all such town officers whose duty it is to meet on the last Tuesday of February, shall meet on the last Tuesday of March in every year, to do and transact such business as to their respective offices may appertain. 1st Tuesday of April town meeting. &c.

CHAP. CLXIII.

AN ACT to incorporate the Amsterdam Aqueduct Association.

Passed April 7, 1820.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Benedict Arnold, Marcus T. Reynolds, Welcome U. Chase and such other persons as may become associated with them, for supplying the village of Amsterdam, in the county of Montgomery, with wholesome water, by Corporation created.

Style & general powers.

means of aqueducts, shall be, and are hereby made and created a corporation and body politic, by the name of "the Amsterdam Aqueduct Association," and by that name they shall be capable in law to sue and be sued, plead and be impleaded in any court of record, and to hold and enjoy such real and personal estate as may be necessary for the attainment of the object aforesaid, not exceeding five thousand dollars in the whole, exclusive of the profits or income of the said aqueducts.

Capital stock

II. *And be it further enacted*, That the stock of the said company shall be deemed personal property, and shall consist of five hundred shares, of ten dollars each.

Books to be opened.

III. *And be it further enacted*, That it shall and may be lawful for the persons above named, to do and perform the several duties hereinafter mentioned, that is to say, they shall on or before the first day of June next, procure a book, and in that enter as follows: "We whose names are hereunto subscribed, do for ourselves and our legal representatives, promise to pay the Amsterdam aqueduct association the sum of ten dollars for each share of stock in said company, set opposite to our respective names, in such manner and proportion, and at such time and place as shall be determined by the trustees of the said Amsterdam aqueduct association," which book shall be left with one of the above mentioned persons, at his place of abode, who shall keep the same open for the purpose of receiving subscriptions; and every subscriber shall, at the time of subscribing, pay to the aforesaid person, the sum of twenty-five cents on each share so subscribed for, which money paid as aforesaid, shall by him be paid to the treasurer of said company as soon as he shall be appointed; and Benedict Arnold, Marcus T. Reynolds and Welcome U. Chase, or any two of them, as soon as two hundred shares are subscribed for, shall cause an advertisement to be affixed up in at least three public places within the town of Amsterdam, in said county, giving at least ten days notice of the time and place when the said subscribers shall meet for the purpose of choosing five trustees, who shall be stockholders, for the purpose of managing the concerns of the said company for one year; and the day of choosing the said trustees shall thereafter be the anniversary day for choosing trustees; and any three of the said trustees shall be a quorum, and capable of transacting the business of the said corporation, and the said trustees elected by a plurality of the votes of the stockholders, shall and may meet from time to time, at such time and place as they may think proper; and shall have power to make such by-laws, rules and regulations, not inconsistent with the laws or constitution of this state or of the United States, as shall be necessary for the well ordering of the said corporation, with a power of declaring forfeited all previous payments made on the respective shares, whose whole sum or any part thereof is not paid at the time and place specified by the said trustees.

Notice.

Trustees.

500 shares.

IV. *And be it further enacted*, That the said trustees may continue to receive subscriptions to the stock of said company until there shall be five hundred shares subscribed: *Provided*, That so much stock shall be necessary for the purposes herein contemplated.

V. *And be it further enacted*, That the trustees shall be authorised, in their discretion, to appoint a clerk, a treasurer, a superintendent, and such other officers, agents and servants; as they shall from time to time deem necessary for carrying into effect the powers vested in the said company; to declare the dividends on the stock of the said company; to establish rules and regulations by ordinances and by-laws, for and concerning the conduct and government of such officers, agents and servants; and for determining the compensation to which they shall be entitled; and for and concerning the manner of making transfers of the said stock; and the conduct and government of all such persons as shall use the water from their works, so far as respects the preservation of the water furnished by the said company, and the use thereof, and to restrain the waste thereof; and by such by-laws and ordinances to impose penalties and forfeitures for a neglect or refusal to comply therewith, so as that such penalty and forfeiture in any one case shall not exceed ten dollars.

Clerk, treasurer, &c.

Powers of trustees.

VI. *And be it further enacted*, That it shall be lawful for the said proprietors, and any person or persons employed by them, or acting under their authority, to enter into and upon, and freely to make use of any land which shall be necessary for the purpose of conducting a plentiful supply of pure and wholesome water to and through the said village of Amsterdam, and to erect any dams or works across or upon any stream or streams of water, or any other place or places, where they shall judge proper, for the raising such stream or streams of water, or turning the course thereof, or for making use of such streams or places for constructing or working of any necessary engines, and to construct, dig, or cause to be dug, any canal or trenches whatsoever, for the conducting of such springs, streams, or any other quantity of water, from any source or sources that they may see fit; and to raise and construct such dykes, mounds, and reservoirs as they may judge proper, for securing and conveying such supply of water as aforesaid to and through the said village; and to survey and lay out all such streams as they may think proper in order to ascertain the best mode of furnishing such supply; and to lay and construct any number of pipes, conduits or aqueducts, through or over any part of the said lands, as they may see fit, to or towards the said village, and in any and every part of the said village; and to agree with any owner or owners of any lands, tenements, or hereditaments that may be damaged or affected by any of the said operations, for and about a reasonable compensation to be made to him, her or them, for such lands, tenements or hereditaments, or the use thereof, as may be used or occupied for the purposes aforesaid, or any of them, or for any damages which he, she or they may sustain in using such lands, or the conducting, digging, laying, raising or making any such reservoirs, aqueducts, canals, trenches, pipes, conduits, dykes or mounds as aforesaid; but in case of disagreement, to be settled and determined by any three discreet reputable freeholders of the town of Amsterdam, to be chosen and agreed upon by the parties; and in case of refusal or neglect by either party to nominate and appoint them, then to be nominated by any three judges of the court of common pleas for the county of Montgomery, not interested in the premises, at the request of either par-

Power to take lands.

ty; and upon their determining the same, the said proprietors shall pay to the said owners respectively, the sum reported under their or any two of their hands and seals, in full compensation for the same.

Public act.

VII. *And be it further enacted*, That this act is hereby declared to be a public act, and that the same be construed in all courts and places favourably and benignly for every beneficial purpose therein contained.

Trespasses
how punish-
able.

VIII. *And be it further enacted*, That any person who shall wilfully commit trespass by digging up any of the said pipes or conduits, or stopping up the same, or shall wilfully and maliciously obstruct the free course of water through said pipes or conduits, or shall wilfully injure or destroy any of the works, pipes, conduits, pentstocks, or reservoirs of said company, or shall wilfully and maliciously injure or destroy any of the dykes, mounds, or other erections of the said company, shall be deemed guilty of a misdemeanor, and being convicted thereof by due course of law, shall be punished by fine or imprisonment, at the discretion of the court before which such conviction shall be had: *Provided always*, That such imprisonment shall not exceed the term of ninety days, nor such fine the sum of fifty dollars.

Highways.

IX. *And be it further enacted*, That the said trustees shall and may lay their conduits below the surface of any street or public highway in said town, putting such street or highway in as good condition as the same was before such conduits were laid:

Provide.

Provided, That nothing herein contained shall be so construed as to authorise the said company to erect any mills or machinery, or use or employ the water, dams, mounds and trenches for any other object than that of supplying the said village with water for domestic and culinary purposes.

CHAP. CLXIV.

AN ACT to amend an Act, entitled "*An Act to incorporate a Company for making a Turnpike Road from New-Paltz westward, and for other purposes.*"

Passed April 7, 1820.

Route may
be altered.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the directors of the said company shall have power to alter the route of the said turnpike road, as laid out by William Wilson, Medad Butler, and Moncrief Livingston, in conformity to the act hereby amended, in such manner as they may deem expedient, provided that the said road shall run from the landing formerly Davies & Elmore's, in the town of New-Paltz, across the Walkill and Rondoutkill, to the Great southwestern turnpike, and provided it shall run north of the route aforesaid; *And provided further*, That it shall be the duty of the said directors to cause a correct map of such alterations to be made and filed in the office of the clerk of Ulster county, before they shall begin to work the said road.

II. *And be it further enacted*, That if the said company shall erect bridges across the said kills, at places different from what is mentioned in the act hereby amended, that it shall be lawful for them to take the same toll for crossing the said bridges as is allowed by the said act to be taken for crossing those therein mentioned.

Toll on bridge.

III. *And be it further enacted*, That it shall not be obligatory on the said company to make more of the said road than such part thereof as lies westward of the east shore of the Walkill, and that this provision shall be applicable to either of the routes which the said directors may think proper to adopt.

Certain part of the road need not be made.

IV. *And be it further enacted*, That if the directors of the said company shall conclude not to alter the route of the said turnpike at its western end, from the route which has been laid out, that they shall have power to continue the same from its said western end, which is near the Rondoutkill, and on the east side thereof, by laying it out across the said Rondoutkill, and until it unites with the Great south-western turnpike.

Route to be continued.

V. *And be it further enacted*, That the said company shall take toll in proportion to distance, on such section of the said road as they make according to the provisions of this amendment, and of the several acts on the same subject which have preceded it; and in other respects shall have the same powers in relation to the said section as these acts would have given them in relation to the whole road; so that the true intent and meaning of the said acts and of this amendment shall be fulfilled, any thing in the said acts to the contrary notwithstanding.

Toll.

CHAP. CLXV.

AN ACT relative to Taxes upon certain Lands in the county of Allegany.

Passed April 7, 1820.

WHEREAS certain returns of arrears of taxes have been made to the comptroller's office, for the year eighteen hundred and thirteen, (including those of eighteen hundred and twelve, returned with eighteen hundred and thirteen,) and for the year eighteen hundred and fourteen, and eighteen hundred and fifteen, on the lands in the north part of township number two, on the lands in township number three, four, five and six, in range number two, of Morris's reserve, in the towns of Nunda and Angelica, in the county of Allegany; and whereas the said returns are incomplete and inaccurate:

Preamble.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the comptroller is hereby authorised and required to cause the returns of such taxes to be transcribed, and to calculate and add to such taxes an interest at and after the rate, and from and to the period, as directed by the act, entitled "An act for the assessment and collection of taxes," and the same to cause to be transmitted to the treasurer of the county of Allegany, on or before the third Tuesday of July next; and it

Certain returns to be transcribed.

shall be the duty of the supervisors of the county of Allegany to designate specifically said lands, and to charge the same with such proportion of the said taxes and interest so in arrear, as the said lands ought in justice to be taxed ; and in like manner to tax any lands that may have been omitted to be taxed during the above-mentioned years ; and in all cases where the said lands have been twice taxed, to allow or repay to the person or persons whose lands may have been so taxed, the excess of any or every year's tax by him or them paid : *And whereas* by the allowance or repayment as above directed, of taxes to persons who may have been twice taxed, there may be a deficiency in the tax and interest hereby directed to be raised, compared with the amount of tax and interest hereby required to be rejected and transmitted by the comptroller to the treasurer of the county of Allegany : Therefore,

Preamble.

Taxes to be raised.

II. *Be it further enacted*, That the supervisors of the county of Allegany, shall cause to be raised and collected the said deficiency as part of the tax of the present year, on the real and personal estate of the said towns of Nunda and Angelica ; and the said supervisors are hereby directed to cause such further proceedings as may be required to collect the aforesaid taxes, as are directed by the act entitled " An act for the assessment and collection of taxes."

CHAP. CLXVI.

AN ACT to vest certain powers in the Freeholders and Inhabitants of the Village of Watertown.

Passed April 7, 1820.

Bounds of village.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the district of country in the town of Watertown, and county of Jefferson, comprised in the following bounds, that is to say : Beginning at the middle of Black river, seven and three fourths rods west of the bridge ; from thence south twenty-nine degrees west, twenty-six chains to the south side of the arsenal road, leading to Sacket's harbour ; thence south thirty-six degrees east forty-two chains fifty links, to the Huntington road ; thence north seventy-two degrees east, nine chains fifty links to the Woodruff road ; thence north forty-seven degrees east, forty-eight chains fifty links, to the Black river ; thence down the middle of said river to the place of beginning ; shall hereafter be known and distinguished by the name of " The Village of Watertown."

Election of trustees.

II. *And be it further enacted*, That the freeholders and inhabitants, qualified to vote at town meetings, who may reside within the aforesaid limits, may, on the first Monday in May next, meet at some proper place therein, to be appointed and notified to the inhabitants by any justice within the said village, at least one week previous to the said first Monday in May, and then and there proceed to elect five freeholders, resident within said village, to be trustees thereof ; who, when chosen, shall possess the several powers and rights herein after specified : And such justice shall

preside at such meeting, and declare the several persons having a majority of votes, as duly chosen trustees : And on every first Monday of May, after the first election of trustees, there shall in like manner be a new election of trustees for the said village ; and the trustees for the time being shall perform the several duties required from the said justice, in respect of notifying the meeting of freeholders and inhabitants of the village, and presiding at such election.

III. *And be it further enacted*, That all the freeholders and inhabitants residing within the aforesaid limits, be, and they are hereby ordained, constituted, and declared to be, from time to time, and for ever hereafter, a body politic and corporate, in fact and in name, by the name of the trustees of " the village of Watertown ;" and by that name they and their successors, shall and may have perpetual succession, and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, complaints, and causes whatsoever ; and that they and their successors, may have a common seal, and may change and alter the same at pleasure ; and shall be capable in law of purchasing, holding and conveying any estate, real or personal, for the public use of the said village, and of erecting fire engine houses, of raising money by tax for the purchase of fire engines, and for erecting fire engine houses, for supplying the village with water, for making any public improvements or necessary repairs, and for other purposes for the public use and benefit of the said village ; which money so to be raised, shall be assessed on the freeholders and inhabitants of the said village, according to law, by not less than three, nor more than five judicious assessors, who shall be freeholders in the said village, and shall be chosen by the freeholders and inhabitants of the said village, qualified to vote at town meetings, at their annual meetings, and collected by the collector of the corporation, in like manner as the taxes of towns and counties are collected, by virtue of a warrant to him directed by the trustees, or a major part of them : *Provided nevertheless*, That no taxes, reserving and excepting such as relate to the said village as a road district or districts, shall be levied, or monies raised, assessed, or collected, without the consent and approbation of the freeholders and legal voters of the said village, or the major part of them, in open village meeting, duly notified by the said trustees, or a major part of them, by written or printed notices, to be put up in three public places in said village, at least one week previously to such meeting : *Provided further*, That all taxes to be levied, or monies raised, assessed, or collected, with the consent and approbation of the freeholders and legal voters as aforesaid, shall not, in any one year, exceed the sum of two hundred and fifty dollars.

IV. *And be it further enacted*, That it shall and may be lawful for the trustees of the said village, or the major part of them, and for their successors in office forever, to make, ordain and constitute, and publish, such prudential by-laws, rules and regulations as they from time to time shall deem meet and proper, and such in particular as may relate to public markets within said village, relative to the streets, alleys and highways therein, and drain-

Corporation created.

Style and general powers.

Taxes how raised, assessed, and collected & the amount thereof.

Trustees authorised to make by-laws.

ing, filling up, paving, keeping in order and improving the same ; relative to the number of inns or taverns and groceries to be licensed in said village ; relative to slaughter-houses and nuisances generally ; relative to a village watch, and lighting the streets of said village ; relative to the restraining of geese, swine or cattle of any kind ; relative to the inspection of weights and measures ; relative to erecting and regulating hay scales ; and relative to any thing whatsoever, that may concern the public and good government of the said village ; but no such by-laws shall extend to the regulating or ascertaining the prices of any commodities or articles of provisions, except the article of bread, that may be offered for sale : *Provided*, That such by-laws be not contrary to, or inconsistent with the laws and statutes of this state or of the United States : *And provided always*, That any monies to be raised for paying any street or streets, or flagging or improving the foot-walks or side ways, shall be assessed, levied and collected, in a just and equitable manner, of and from the owners and occupants of all the houses and lots adjoining such street or streets, so to be paved or flagged, in proportion as nearly as may be to the advantages which each shall be deemed to acquire respectively, any thing in this act to the contrary notwithstanding ; and the said trustees for the time being, shall have the ordering and directing, management and superintendence of all improvements and works, repairs and alterations relating to the said village.

Certain assessments how made.

Duties of trustees

Fines to be imposed, how recovered.

V. *And be it further enacted*, That the said-trustees, or the major part of them, as often as they shall make, ordain and publish any such by-laws for the purposes aforesaid, may make, ordain, limit and provide such reasonable fines against the offenders of such laws, as they may deem proper, not exceeding twenty-five dollars for any one offence, to be prosecuted and recovered by action of debt, before any justice of the peace, with costs of suit, by the trustees, for the use of the corporation ; in which action it shall be sufficient to declare generally, that the defendant or defendants, is or are indebted to the trustees of the village of Watertown, in the amount of the debt, penalty, fine or forfeiture, by virtue of this act, to be paid to the said trustees for the time being, when thereunto required, and under such declaration to give the special matter in evidence.

Assessors, treasurer, collector and fire wardens how and when chosen.

VI. *And be it further enacted*, That the freeholders and inhabitants of the said village of Watertown, qualified to vote at town meetings, at their annual meetings on the first Monday of May, in every year hereafter, to be held for choosing trustees, or at any other meeting duly notified, shall be, and they are hereby duly authorised, by plurality of votes, to choose not less than three, nor more than five judicious inhabitants, being freeholders and residing in the said village, as assessors ; one treasurer, being also a freeholder and inhabitant of said village ; one collector, and as many fire wardens as the trustees for the time being, or the major part of them, may order and direct ; and in case of vacancy by death, removal, refusal or incapacity to serve, of any of the assessors, the treasurer, collector or fire wardens, it shall be the duty of the trustees or the major part of them, to appoint some suitable person to fill such vacancy ; and the person so to be appointed, shall be vested with the

like powers, and be subject to the same penalties and restrictions as if elected by the freeholders and inhabitants of the said village as aforesaid.

VII. *And be it further enacted*, That the trustees, treasurer, collector, assessors and fire-wardens, shall, within ten days after each and every election, and before they proceed to the exercise of their several offices, respectively take and subscribe an oath or affirmation, before any justice of the peace in said village or county, for the faithful execution of the trust or office to which they may be severally chosen or appointed.

Each officer to take an oath.

VIII. *And be it further enacted*, That the treasurer and collector, hereafter to be elected, shall, before they enter upon the execution of their respective offices, respectively give such security for the faithful performance of the trusts reposed in them, as the major part of the trustees, for the time being, shall deem sufficient.

Treasurer & collector to give security.

IX. *And be it further enacted*, That if any of the inhabitants of the said village, qualified as aforesaid, shall hereafter be elected or appointed a trustee, assessor or fire warden, and having notice thereof, shall refuse, deny, delay or neglect to take upon him or them to execute such office or trust to which he or they shall be elected, then and as often as it shall happen, it shall and may be lawful for the trustees, or a major part of them, to assess and impose on such person or persons so neglecting, delaying or refusing, such reasonable fine or fines, not exceeding twenty dollars, as they the said trustees, or a major part of them, may think fit, to be recovered by action of debt, with costs, in the manner herein before directed for the recovery of penalties and forfeitures imposed by the laws of the said trustees.

Fines imposed on officers who refuse to serve.

X. *And be it further enacted*, That the trustees, or a major part of them, within ten days after their being elected, in every year hereafter, shall, and it is hereby made their duty to assemble in some convenient place in said village, and there to choose and appoint some one suitable person of their body to be president of the said board of trustees, and some proper person to be clerk of the said board : That it shall be the duty of the said president, to preside at the meetings of the trustees ; to order extraordinary meetings of the trustees, whenever he may find it for the interest of the village so to do ; to receive complaints of the breach of any of the by-laws ; to see that all the by-laws, rules and ordinances are faithfully executed, and prosecute in the name of the trustees, all offenders against such by-laws ; to receive, and lay before the trustees, the returns of the fire wardens ; and who, with the consent of the major part of the trustees, shall appoint under his hand and the seal of the said village, a company of firemen, not exceeding twenty in number ; to inspect the utensils belonging to the said village for extinguishing fires ; and whose duty it shall be more particularly to see the engines and fire utensils, engine houses, and all other public property belonging to the said village, suitably and properly taken care of, and kept in order, and to do all other such acts and things as may be proper for him, as president of the board of trustees to do ; and in case of the death, absence or inability of

Trustees to appoint their president.

His duty.

How in certain cases his place supplied.

the president to discharge the several duties before mentioned, his place shall be supplied in manner hereafter to be provided by the laws of the said corporation.

Monies collected, to be paid into the treasury.

How drawn out and appropriated.

Compensation of officers

Trustees duration of office.

Restrictions as to purchasing & holding real estate

To regulate assize of bread, and inflict penalties.

Assessments, how regulated.

Occupants of land to pay taxes & recover of owners.

XI. *And be it further enacted*, That the collector shall, within such time as shall hereafter be provided for, by the by-laws of the said corporation, next after the receipt of his warrant for collecting any tax that may have been ordered to be raised, collect and pay the same to the treasurer, and that all monies which may at any time be in the hands of the treasurer, shall be liable to be drawn out by the trustees, or the major part of them, and applied and disposed of as shall have been directed by the freeholders and inhabitants of the said village: *Provided always*, That all sums of money arising from fines, forfeitures and penalties, shall be at the disposal of the trustees, or the major part of them, to defray the contingent expenses of the village.

XII. *And be it further enacted*, That the said trustees shall keep a just and accurate account of all their necessary expenses and disbursements, and on exhibiting the same to the treasurer, shall be entitled to receive the amount thereof out of any monies in the treasury not otherwise appropriated; and that the clerk, collector and assessors shall be paid for their several services, such suitable compensation as the said trustees, or a major part of them, by a by-law of the said corporation, shall provide, payable out of monies in the treasury not otherwise appropriated.

XIII. *And be it further enacted*, That the trustees to be elected by virtue of this act, shall hold their respective offices until the first Monday in May next following after their election of trustees as aforesaid, and until a new election for trustees of said village shall be made pursuant to this act, and until the trustees, so last chosen, shall take and subscribe the oath or affirmation of the office of trustees,

XIV. *And be it further enacted*, That it shall not be lawful for the said corporation to purchase or hold any real estate whatsoever, not lying or being within the limits of the said corporation.

XV. *And be it further enacted*, That it shall and may be lawful for the trustees of the said village, or the major part of them, from time to time, to make ordinances to regulate the assize and quality of bread to be baked, offered or exposed for sale by any baker or any other person within the said village, and to inflict reasonable penalties upon all offenders against the said ordinances.

XVI. *And be it further enacted*, That the assessors of the said village of Watertown, shall assess the taxes which shall be legally laid upon the inhabitants of the said village, and upon the owners of real estate lying within the same, both residents and non-residents, respecting the probable advantages which will result to the individuals respectively, from the improvements contemplated to be made by such tax.

XVII. *And be it further enacted*, That the person in possession of any real estate in the said village at the time any tax is to be collected, shall be liable to pay the tax assessed thereon; and in case such person is not bound by agreement or otherwise to pay such tax, or any part or proportion thereof, he or she shall and may recover the same amount from the owner of such real estate,

or other person whose duty it was to have paid the same ; and all taxes upon any real estate in the said village, shall be a lien there-
Taxes a lien on real estate.
 on.

XVIII. *And be it further enacted*, That any justice of the peace of the county of Jefferson, residing in the said village of Watertown, any freeholder or inhabitant of said village, shall be, and are hereby declared competent, respectively, to try, serve as jurors, or give testimony in any cause wherein the said trustees of the village of Watertown are parties, notwithstanding any remote interest they may have in the event of such suit, as members of the corporation of said village.
Inhabitants competent jurors and witnesses, and justices to try causes.

XIX. *And be it further enacted*, That this act shall be, and is hereby declared a public act ; and that the act heretofore passed incorporating the said village of Watertown, be, and the same is hereby repealed, but all proceedings and transactions, relative to the said village, under and by virtue of any of the provisions of the said act hereby repealed, shall be deemed, taken and adjudged as proceedings and transactions under and by virtue of the like provisions of this act.
This act a public act—former act repealed.

CHAP. CLXVII.

AN ACT to authorise the building of a Toll Bridge across the Mohawk River, between the towns of Johnstown and Charlestown.

Passed April 7, 1820.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Robert Yates, Abraham A. Yates, Abraham Gardinier, John P. Yates, John McRienan,* and all such others as shall associate with them for the purpose of erecting a bridge over the Mohawk river, between the towns of Johnstown and Charlestown, and nearly opposite the house of the said Peter A. Yates,* in the county of Montgomery, their successors and assigns, shall be and are hereby created a body corporate and politic, in fact and deed, by the name of "The President and Directors of the Nose Bridge Company ;" and by that name they and their successors may and shall have continual succession, and shall be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever ; and they and their successors by the same name and style, shall be in law capable of purchasing, holding, and conveying any real and personal estate, for the use of the said corporation : *Provided*, That such estate, as well real as personal, so to be purchased and held, shall be necessary to fulfil the end and intent of the said corporation, and to no other purpose whatsoever.
Corporation created.
* So in the engrossed bill.
Style and general powers.
Proviso.

II. *And be it further enacted*, That it shall be lawful for the said president and directors, to call on and demand from the stockholders respectively, all such sums of money by them subscribed,
Installments on shares

or to be subscribed, at such times, and in such proportions, as they shall see fit, under pain of forfeiture of their shares, and of all previous payments thereon, to the said president, directors and company.

Directors. III. *And be it further enacted,* That the stock, property, affairs and concerns of the said corporation, and the manner of obtaining subscriptions thereto, shall be managed by five directors, who shall be stockholders, and shall, together with a treasurer, be annually chosen on the first Tuesday of June in each year, at such place in either of the said towns of Johnstown or Charlestown, as the directors for the time being, or any three of them, shall appoint, of which notice shall be given by a conspicuous advertisement at two of the public houses in each of the said towns, and in a public newspaper printed in the said county, for at least three weeks before the time of holding such meeting in each year : that all elections shall be by ballot, and the five persons having the greatest number of votes shall be directors, and shall hold their offices for one year, or until others shall be chosen in their places, and if any vacancy shall happen among the directors, by death, resignation or otherwise, such vacancy shall be filled for the remainder of the time in which they may happen, by the appointment of the other directors for the time being, or a majority of them ; and the first directors shall be, Robert Yates, Abraham A. Yates, Abraham Gardinier, John P. Yates, and John McRiernan, and shall hold their offices until the first Tuesday of June, in the year of our Lord one thousand eight hundred and twenty-one, or until others shall be chosen to succeed them ; and that the said directors shall at their first meeting after such election and appointment, appoint one of their number to be president, and shall also at such first meeting, and at every first meeting after such election, annually appoint a treasurer.

Capital stock. IV. *And be it further enacted,* That the number of shares in the stock of the said company shall not exceed four hundred shares, of twenty-five dollars each share ; and that the said shares shall be taken and deemed personal property, and shall and may be transferable at the office of either the president or treasurer of the said company, as they shall by by-law direct ; which transfer shall be inserted in the books of the said president and directors, kept by their president or treasurer as aforesaid, and that such book so to be kept, shall be open to the inspection of any or all of the stockholders of said company, (at seasonable hours,) for at least fourteen days next preceding every such annual election to be held as aforesaid.

Each share entitled to a vote. V. *And be it further enacted,* That at all elections for directors, every stockholder shall be entitled to a number of votes proportioned to the number of shares he or she may hold in his or her name.

Subscriptions for stock. VI. *And be it further enacted,* That the said president and directors, after they shall have been organized as aforesaid, and obtained sufficient subscriptions for the stock of the said company, in a book or books to be by them opened for that purpose, with a superscription in the following words, viz. " We who have hereunto subscribed our names as stockholders of the Nose bridge company, promise to pay to the treasurer of the said company, the

sum of twenty-five dollars on each share we here affix to our respective names, in such proportions and at such times as the president and directors of the said company, for the time being, shall from time to time direct ;" and shall have obtained the title or otherwise compromised for so much of the land or lands as shall be necessary for the building of said bridge, toll-house and gate, together with sufficient roads to and from it, that then it shall be lawful for them the said president and directors, with their workmen, servants or agents, all or either of them, to enter upon, build and complete said bridge, not less than twenty-one feet in breadth, with good and sufficient railings on each side thereof : *Provided*, it shall be so commenced within two and completed within four years from the first day of November next.

Power to take lands.

Bridge.

Proviso.

VII. *And be it further enacted*, That as soon as the said bridge shall be completed, and the judges of the court of common pleas of said county, or a majority of them, shall, upon inspection, certify under their hands, that the said bridge is well and sufficiently constructed, and built for the safe and commodious passage of loaded waggons and other carriages, it shall and may be lawful for the said president and directors to erect a gate at either end of said bridge, and demand, receive and take, for the use of the said corporation, a toll not exceeding the following rates, to wit : for every four wheel pleasure carriage drawn by four horses, twenty-five cents ; every four wheel pleasure carriage drawn by two horses, nineteen cents ; every two wheel pleasure carriage drawn by one horse or mule, nine cents, and if drawn by two horses or mules, twelve and an half cents ; every waggon and two horses, twelve and an half cents, and if drawn by four horses, nineteen cents ; each sled drawn by two horses or oxen, six cents ; each waggon or cart drawn by two oxen, twelve and an half cents, each additional yoke of oxen, six cents ; every one horse cart, six cents ; every man and horse, six cents ; every foot passenger, two cents ; every horse, jack, or mule, three cents ; every score of neat cattle, twenty cents, and in that proportion for a greater or less number ; every score of sheep or hogs, ten cents, and in that proportion for a greater or less number : *Provided however*, That every inhabitant not more than three miles from said bridge, may commute with said president and directors by the year or otherwise, for such toll.

Proviso.

VII. *And be it further enacted*, That the said president and directors of said corporation, on the first Tuesday of June next after the said bridge shall be completed, and certified by the judges as aforesaid, and yearly thereafter, shall make a dividend among the stockholders of the said corporation of the production of the toll to be gathered, or commuted for, as aforesaid ; deducting therefrom the amount of all the monies by them expended in the making, repairing and building of the said bridge, gate, and toll-house ; and in the management of the concerns of the said company : giving previous notice thereof, at two public houses in each of said towns, and in a public newspaper printed in the said county, in the manner herein before provided for notices for each election of directors ; and exhibiting at the same time, a true account of the pecuniary concerns of the said corporation.

Dividends.

No other
bridge allow-
ed.

Proviso.

Bridge to be
inspected.

IX. *And be it further enacted*, That it shall not be lawful for any other person or persons to build a bridge, or keep a ferry, after the said bridge shall be completed as aforesaid, within one mile and an half above or below the said bridge, on the said river, while the said bridge is in good order for crossing thereon : *Provided however*, That nothing herein contained shall be construed to prevent any person living on the banks of said river, from ferrying themselves or their families in their own boats or canoes, nor any from crossing upon the ice, where that is sufficient.

X. *And be it further enacted*, That it shall be the duty of the persons from time to time appointed as inspectors of turnpike roads, also to inspect the said bridge, upon the complaint on oath, of any freeholder of said county, that it is insufficient or dangerous, and if so found, it shall be their duty to notify the said president and directors, by serving a written notice, (on any one of their board,) purporting that such bridge is unsafe, inconvenient or otherwise, as they may find it ; after which notice, so served, it shall not be lawful to or for the said president and directors, to take any toll until the said bridge is repaired sufficiently, which shall be within thirty days after notice, so served upon one of them.

CHAP. CLXVIII.

AN ACT for the relief of Isaac Denniston,

Passed April 7, 1820.

Preamble.

WHEREAS a judgment in the supreme court of this state has been obtained in favour of the people of this state, against Isaac Denniston, of the city of Albany, for the sum of one thousand dollars, for an alleged violation by the said Isaac Denniston, of the prohibition contained in the nineteenth section of the act, entitled "An act for the payment of certain officers of government, and other purposes," passed April 5th, 1810 : *And whereas* it is represented that it would be inequitable and improper to compel payment by the said Isaac Denniston, of the penalties said to be incurred by him under the said section of the said act : Therefore,

I Denniston
released from
a certain
judgment.

BE it enacted by the People of the State, of New-York, represented in Senate and Assembly, That the said Isaac Denniston be, and he is hereby declared to be released from all obligation to pay and satisfy the said judgment, and from all liability in consequence thereof : *Provided nevertheless*, That the said Isaac Denniston shall pay the costs which have accrued in the prosecution of the said suit : *Provided further*, That the said Isaac Denniston shall release all claim for a remuneration from this state for any loss sustained.

Proviso.

CHAP. CLXIX.

AN ACT for the relief of Thomas Reed, and the Administrators of the estate of Samuel Merry, junior, and Albert Bradt, Nathaniel Judson, Moses Atwater, and for other purposes.

Passed April 8, 1820.

I. *BE it enacted by the People of the State of New-York,* T. Reed to be credited a certain sum. That the comptroller be, and he is hereby authorised and directed, to credit the said Thomas Reed, on his mortgage for subdivision number three, and the said administrators of their mortgage for subdivision number seven of lot number ninety-eight, in the freemason patent, with all the interest accrued on the appraisements of said subdivisions respectively, before the third day of April, in the year one thousand eight hundred and eighteen, and which has been included in the consideration monies for which the said mortgages were given.

WHEREAS Nathaniel Judson mortgaged to the people of this Residual. state a certain piece of land, to secure the payment of the sum of one thousand dollars and interest; and the mortgaged premises have been sold for default of payment, and purchased in for the people of this state, for the sum of two hundred dollars; and the said Nathaniel Judson is now confined on the gaol limits of the city and county of Albany, on an execution issued for the residue of the said sum of money and interest: And whereas the said Nathaniel Judson hath, by his petition, prayed for relief: Therefore,

II. *Be it further enacted,* That it shall be lawful for the sheriff N. Judson to be discharged. of the city and county of Albany, to discharge the said Nathaniel Judson from imprisonment under and by virtue of the said execution issued against him, for the residue of the debt due to the people of this state: *Provided nevertheless,* That it shall and may Proviso. at any time hereafter be lawful for the attorney-general to issue any execution against the goods and chattels, lands and tenements of the said Nathaniel Judson, in the same manner as if he had never been imprisoned under any execution issued against his person, as above mentioned: And *provided also,* That the said Nathaniel Judson do pay and discharge the sheriff's and gaoler's fees which have accrued by reason of the said execution and of his imprisonment.

III. *And be it further enacted,* That the treasurer shall pay on the warrant of the comptroller, to Albert Bradt, one hundred and 119d. 30 cts. payable to A. Bradt. nineteen dollars and thirty cents, for conveying two prisoners who were drowned on their way to the state prison.

IV. *And be it further enacted,* That it shall be lawful for the treasurer to pay on the warrant of the comptroller, to Moses Atwater, fifty-five dollars and seven cents, being the balance of his accounts for superintending the building the arsenal at Canandaigua. 55d. 7cts. to M. Atwater.

V. *And be it further enacted,* That the treasurer pay on the warrant of the comptroller, unto Robert Lenox, the sum of seventy-four dollars and forty-four cents, paid by him for arrears of county and town taxes, interest and charges on the undivided half of a 74d. 44 cts. to R. Lenox.

tract of three thousand two hundred acres of land, in the southwest part of township number two, in the first range of townships in the county of Steuben, the same having been paid by mistake.

Certain lands
in Steuben to
be sold.

VI. *And be it further enacted*, That the comptroller shall be, and is hereby authorised and directed, to sell in the city of Albany, whenever he shall first sell other lands for the non-payment of taxes, the said undivided half of the said tract of three thousand two hundred acres of land in the said southwest part of township number two in the first range of townships, in the county of Steuben, or so much thereof as may be necessary to raise the said sum of seventy-four dollars and forty-four cents, together with the expense of advertising, selling and conveying the same; and that he shall give the like notice for the sale of said lands, as for the sale of lands charged with arrearages of taxes under the act for the assessment and collection of taxes; and that the sale shall in all respects, be on the same conditions and reservations, and with the same effect as sales made pursuant to the said act, for the assessment and collection of taxes.

CHAP. CLXX.

AN ACT *relative to certain unpatented lots in the Military Tract.*

Passed April 8, 1820.

Land-office
to issue pa-
tents to

D. Van Ness,

B. V. Valken-
burgh,

J. Hogland,
and to

B. Chappell.

Legal effect
of such grants

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the commissioners of the land-office be, and they are hereby authorised and directed to cause to be issued letters patent, in such form as they may deem proper, to David Van Ness, a captain in the first New-York regiment, in the line of the revolutionary army of the United States, for lots number forty-six, fifty-six and fifty-seven, in the township of Junius, in the military tract; and also to Bartholomew Van Valkenburgh, a lieutenant in the said regiment, for lot number forty-nine, in the township of Aurelius, and lot number seventy-eight, in the township of Sempronius, in the said tract; and also, to Jeronimus Hogland, a captain of cavalry, in the said army, for lot number fifty-four, in the township of Scipio, lot number sixty-two, in the township of Ulysses, and lot number eighteen, in the township of Marcellus, in the said tract; and also to Benjamin Chappell, a private in the second New-York regiment, for lot number eighty-six, in the township of Locke, in the said tract.

II. *And be it further enacted*, That the said letters patent so to be issued, shall be deemed and taken in law to have the like effect as to the title to the said lots respectively, in all respects in all courts and places, as if the same had been duly issued on the eighth day of July, one thousand seven hundred and ninety,

CHAP. CLXXI.

AN ACT *relative to certain Schools in the City of Hudson.*

Passed April 11, 1820.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the treasurer of the county of Columbia, shall pay over to the treasurer of the Hudson Lancaster society, such sum or sums of money, as shall from time to time be apportioned out of the common school fund, to the city of Hudson; which said sums of money shall be applied by the trustees of the said Hudson Lancaster society, as is directed by the seventh section of an act entitled "an act for the incorporation and support of the Hudson Lancaster society," passed the 15th day of April, 1817; any thing in the act for the support of common schools, passed the 12th day of April, 1819, to the contrary notwithstanding: *Provided,* That if any school district under the act hereby amended, shall be formed in the said city of Hudson, without the bounds of the compact part of said city, then, and in every such case, a sum shall be apportioned and paid over to every such district, by the treasurer of said society, or by the treasurer of the county, as such districts shall be entitled to under the act aforesaid.

Hudson Lancaster society entitled to certain monies.

Proviso.

CHAP. CLXXII.

AN ACT *for the partial repeal of the sixth section of an act, entitled "an act to incorporate the Little Falls and Oldenbarneveld Turnpike Company."*

Passed April 11, 1820.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the sixth section of the act entitled "an act to incorporate the Little Falls and Oldenbarneveld turnpike company," passed April 2, 1819, be, and the same is hereby repealed, so far as the same respects any other turnpike company.

Part of an act repealed.

CHAP. CLXXIII.

AN ACT *relative to the Estate of John Hibberd, deceased.*

Passed April 11, 1820.

WHEREAS John Hibberd, late of the county of Richmond, deceased, died seised and possessed of a certain real estate in the county of Richmond, leaving no heirs, being citizens of this state or of the United States: And whereas the said John Hibberd did,

Preamble.

by his last will and testament, bearing date the nineteenth of June, one thousand eight hundred and seventeen, devise to Walter Betts, in trust for his wife Sarah, and her daughter Louisa, all his property, both real and personal, in the county of Richmond: And whereas doubts are entertained whether the words of the said devise, vest an estate in fee simple, in the said Sarah and Louisa: And whereas the said Walter Betts, Louisa Osborne and Sarah Hibberd, have prayed relief in the premises: Therefore,

The right of
the state vested in W.
Betts.

In trust.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That all the right, title, claim and interest which this state now has in and to the lands, tenements or hereditaments of which the said John Hibberd died possessed, situate, lying and being in the county of Richmond, shall be, and hereby is vested in Walter Betts, of the county of Richmond, in trust, and for the benefit of Sarah Hibberd, widow of the said John Hibberd, deceased, and of her daughter, Louisa Osborne, their heirs and assigns; and that the said Walter Betts, as trustee aforesaid, is hereby authorised to grant, sell and convey the same lands, tenements and hereditaments, and to execute a conveyance or conveyances therefor, and that such conveyance shall vest all the interest of the people of this state to the premises in the purchaser or purchasers thereof.

CHAP. CLXXIV.

AN ACT to aid the erection of a Place of Worship, at the Quarantine-Ground, on Staten-Island.

Passed April 11, 1820.

10000dls. payable to Methodist church.

I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the health commissioners in the city of New-York, and they are hereby required to pay to the trustees of the Methodist episcopal church, whenever the same shall be incorporated, on Staten-Island, the sum of one thousand dollars, from any funds not otherwise appropriated, or which may hereafter come into their hands, for the purpose of erecting a suitable building for public worship at some place within the limits of the Quarantine-ground, and at the time of paying such money they shall require a bond, with such security as they may deem sufficient, conditioned for the faithful application of such sum of money as aforesaid, within three years from the time of making such payment, for the erection of said church in the Quarantine-ground aforesaid, and the comptroller is hereby authorised and required to allow the said commissioners credit for said sum of money, on filing with him such bond as aforesaid.

To account with comptroller.

II. And be it further enacted, That it shall be the duty of the said trustees of the Methodist episcopal church, to account to the comptroller for the expenditure of the said sum of money within the time above limited.

CHAP. CLXXV.

AN ACT authorising *Isaac Havens* to maintain a Dam across *Canascroga Creek*, in the town of *Sparta*.

Passed April 11, 1820.

I. *BE it enacted by the People of the State of New-York*, J. Havens to build a dam, &c. *represented in Senate and Assembly*, That it shall and may be lawful for *Isaac Havens*, of the town of *Sparta*, in the county of *Ontario*, his heirs and assigns, to build and maintain a dam across the *Canascroga creek*, at a point not more than two hundred rods south of the north line of the said town of *Sparta*, provided said dam shall not exceed three feet in height.

II. *And be it further enacted*, That the said *Isaac Havens*, his heirs and assigns, shall keep in good repair a sufficient and convenient lock through said dam, to admit the passage of boats and rafts up and down said creek. Look for boats.

III. *And be it further enacted*, That the said *Isaac Havens* shall be liable for any damages which may be occasioned by the erection of said dam, in the same manner as though this act had not been passed. Liability of I. Havens.

CHAP. CLXXVI.

AN ACT to alter the present Terms of the Courts of Common Pleas and General Sessions of the Peace of the county of *Montgomery*, and to abolish one of the Terms thereof.

Passed April 11, 1820.

I. *BE it enacted by the People of the State of New-York*, June, February and October terms. *represented in Senate and Assembly*, That instead of the present terms of the said courts, there shall hereafter be held in said county three terms of the court of general sessions of the peace, and three terms only of the court of common pleas, which said terms respectively shall hereafter be held on the second Tuesdays of *June* and *February*, and the third Tuesday in *October*, in every year, at the court-house in said county, and that the terms respectively of the said courts shall be called and known by the names of the respective months in which they are directed by this act to be held.

II. *And be it further enacted*, That each of the said terms and courts so altered, may be held, continued and adjourned, in the same manner as they might or could have been if the said terms had been so named and inserted in the act, entitled "An act concerning the courts of common pleas and general sessions of the peace in the several counties of this state." How held and adjourned, &c.

III. *And be it further enacted*, That so much of the last mentioned act as is contrary to the provisions of this act, and also the act, entitled "An act granting an additional term, and altering the present terms of the courts of common pleas and general ses- Part of an act repealed.

sions of the peace of Montgomery county," passed March 17th, 1815, shall, from and after the said June term, be and the same are hereby repealed.

CHAP. CLXXVII.

AN ACT to incorporate the Hampton and Whitehall Turnpike Road Company.

Passed April 11, 1820.

- Corporation created.** I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That John P. Adams and Silas D. Kellogg, and all such persons as shall associate for the purpose of making a good and sufficient road, beginning at the bridge in the town of Hampton, in the county of Washington, near Norton's mills, and running from thence, on the most convenient route, to Wood creek, in the town of Whitehall, at or near Whitehall landing, shall be and are hereby created and made a body politic and corporate, in fact and in name, by the name of "The Hampton and Whitehall turnpike road company;" and by that name they shall be in law capable of purchasing, holding, enjoying and retaining, to them and their successors, lands tenements and hereditaments, goods, chattels and effects, and to sue and be sued, implead and be impleaded, answer and be answered unto, defend and be defended, in any court or place whatsoever: *Provided,* That the real estate which the said corporation shall be allowed to hold, shall be necessary to fulfil the end and intent of the said corporation.
- Style and general powers.** II. *And be it further enacted,* That the stock of the said company hereby incorporated, shall consist of eight hundred shares of twenty dollars each; and that Melancthon Wheeler, Silas D. Kellogg and John P. Adams, be and they are hereby appointed commissioners to receive subscriptions for said stock, in the manner directed by the act, entitled "An act relative to turnpike companies," passed the 13th March, 1807, and the act, entitled "An act concerning turnpike roads," passed April 10th, 1813.
- Capitalstock.** III. *And be it further enacted,* That the said company hereby incorporated shall be permitted to erect one gate, and no more, upon the said road, and shall be entitled to exact and receive at the said gate, the following sums of money from all persons travelling or using the said road; for every chariot, coach, phaeton, coachee or curricule, or any other pleasure carriage with two horses, thirty-seven and an half cents; for every chair, chaise, gig, sulkey, or pleasure carriage, with one horse, nineteen cents; for every waggon, with two horses, mules or oxen, twenty-five cents, and for every additional horse, mule or ox, four cents; for every cart, drawn by two oxen, twelve and an half cents, and for every additional ox or horse, attached to such cart, three cents; and for every cart or waggon, drawn by one horse, nine cents; for every sleigh or sled, drawn by two horses, mules or oxen, twelve and an half cents; for every sleigh or sled, drawn by one horse or mule, six cents, and so in proportion for a greater or less number; for
- Toll.**

every horse and rider, six cents ; for every score of sheep or hogs, eight cents, and so in proportion for a greater or less number ; and for horses, mules and neat cattle, in droves, two cents for each.

III. *And be it further enacted*, That the number of directors hereby incorporated shall be seven, four of whom shall be a quorum, and capable of managing the business and concerns of the company hereby incorporated, and shall have and enjoy all the rights, privileges and immunities which are given and granted in and by the aforesaid act, entitled " An act relative to turnpike companies," and shall be subject to all the conditions, provisions, restrictions and regulations contained in the said general act, passed 13th March, 1807, and the act, entitled " An act concerning turnpike roads," passed April 10, 1813.

Directors and specified powers.

CHAP. CLXXVIII.

AN ACT to annex a part of the town of Norwich to the town of Preston, in the county of Chenango.

Passed April 11, 1820.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the day preceding the first Tuesday of March next, all that part of the town of Norwich, including the third and fourth tier of lots from the east side of the fourteenth township, be and hereby is annexed to the town of Preston.

Part annexed

CHAP. CLXXIX.

AN ACT relating to the Westchester and Dutchess Turnpike Company.

Passed April 11, 1820.

WHEREAS the president and directors of the Westchester and Dutchess turnpike company have represented, that in making their road under their original grant, they have varied in some small degree from the route laid out by the commissioners, by a mutual agreement between those concerned : Therefore,

Preamble.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the route of the road as now made by the said company, is hereby confirmed, and vested in the said president, directors and company, as fully as if the same had been made on the site laid out by the commissioners.

Route confirmed.

II. *And be it further enacted*, That it shall and may be lawful for the said president and directors of the said company, to extend their road from where it now intersects the Philipstown turnpike, to or near the house of William Knapp ; from thence across the Fishkill mountain to or near the house of John Finch, at the foot of said mountain, on the most eligible route, a distance of three

Road may be extended.

Commissioners. miles, or thereabouts ; and that Niles Frost, John Hyatt, and Darke Conklin, or any two of whom, be commissioners to lay out and fix the site for the same ; and that the same be considered as subject to all the provisions and regulations contained in the original grant made to the said president, directors and company.

Time extended. III. *And be it further enacted*, That the time for completing said road be and the same is hereby extended to the first day of May, in the year eighteen hundred and twenty-six.

Part of an act repealed. IV. *And be it further enacted*, That so much of the act authorising said company to extend their road from where it now intersects the Philipstown turnpike road, to or near the house of Jacob Audreance, in the town of Fishkill, be and the same is hereby repealed.

Half toll payable by certain persons. V. *And be it further enacted*, That all persons coming upon the said road between the house of Jesse Owen, in Phillipstown, and the village of Peekskill, shall not be subject to the payment of more than half toll for passing the gate erected upon that part of the said road.

CHAP. CLXXX.

AN ACT to correct a mistake in the Boundaries of the towns of Concord and Hadley, in Saratoga county.

Passed April 11, 1820.

Preamble. WHEREAS by the act, entitled " An act to erect part of the towns of Edinburgh and Hadley, in the county of Saratoga, into a separate town," passed April 7, 1819, an error hath been committed in describing the boundary lines dividing Concord and Hadley, in said county : Therefore, to correct the same,

Corrected boundaries set forth. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That instead of the bounds mentioned in the said recited act, the following shall and are hereby declared to be the said bounds, as if the same had been originally inserted in the said recited act, to wit : Beginning at the east corner of the farm of Walter Hunt, in the town of Edinburgh, on the north bank of the west branch of the Hudson river, and running from thence north thirty degrees and forty minutes west, to the rear line of the river division of Palmer's purchase ; thence along the said rear line westerly, until it intersects the east bounds of the county of Montgomery ; then along the said east bounds of the county of Montgomery northerly, to the south bounds of the county of Warren ; thence along the same until a course of south thirty degrees and forty minutes east, will intersect the east bounds of lot number fifty-one, in Palmer's purchase ; thence along the said east bounds of the said lot number fifty-one, to the Sacondaga river ; thence on a course that will strike the east bounds of lot number three, in the subdivision of the twenty-fourth allotment of the Kayaderosseras patent ; thence along the said east bounds to the town of Corinth ; thence along the said town of Corinth, to the west corner thereof, and from thence to the place of beginning,

CHAP. CLXXXI.

AN ACT authorising a Loan of Money to Clark Crandall.

Passed April 11, 1820.

BE it enacted by the People of the state of New-York, re-^{1000d. loaned to C. Crandall.} presented in Senate and Assembly, That the comptroller be and he is hereby authorised to loan out of any monies in the treasury, not otherwise appropriated, to Clark Crandall the sum of one thousand dollars : *Provided*, the same shall be secured to the people of this state by a sufficient bond, conditioned for the annual payment of the interest thereof, at the rate of seven per centum per annum, and the repayment of the principal in five years ; and shall also further secure the same by a mortgage on unincumbered real estate, within this state, of treble the value of the sum loaned, exclusive of any buildings thereon, to be approved of by the comptroller and attorney-general. ^{Provide.}

CHAP. CLXXXII.

AN ACT extending the Gaol Liberties, in the town of Salem, in the county of Washington.

Passed April 11, 1820.

BE it enacted by the People of the State of New-York, re-^{Liberties enlarged.} presented in Senate and Assembly, That the liberties of the gaol, in the town of Salem, in the county of Washington, be and the same are hereby enlarged so far as to comprehend the same extent of territory which is included within the limits of the village of Salem aforesaid, and the said limits of said village as are established by law, or hereafter may be, shall be the liberties of said gaol.

CHAP. CLXXXIII.

AN ACT to provide for the rebuilding of the Court-House and Gaol, lately consumed by Fire, in the County of Delaware.

Passed April 11, 1820.

I. BE it enacted by the People of the State of New-York, ^{8000d. to be raised.} represented in Senate and Assembly, That the supervisors of the county of Delaware, shall cause to be raised, levied and collected, on and from the taxable property in said county, in the same manner as other county charges are levied and collected, the sum of eight thousand dollars, for the purpose of building a court-house and gaol on or adjoining the court-house square, in the village of Delhi, in said county, to be raised, levied and collected in four annual instalments, of two thousand dollars in each successive year, beginning with the present year,

G. Frisbee &
others com-
missioners.

II. *And be it further enacted*, That Gideon Frisbee, Samuel Sherwood and Oliver Peak, be, and they are hereby appointed commissioners to superintend and contract for the building of the said court-house and gaol, with full power to draw upon the treasurer of said county, from time to time, as may be required, for progressing in the said buildings with all possible dispatch; and the said treasurer is hereby required to pay over to them, or a majority of them, any monies in his hands, not expressly appropriated to any other county or town purposes.

Comptroller's
duty.

III. *And be it further enacted*, That the comptroller shall draw his warrant on the treasurer in favor of the treasurer of the county of Delaware, from time to time, for such sums as the said commissioners, or a majority of them may certify to be necessary for the fulfilment of any contracts they may make in the premises, not exceeding six thousand dollars in the whole, and charge the same to the treasurer of said county, at an interest of six per cent. per annum; and the treasurer of said county is required to reimburse the same, together with the interest thereon as aforesaid, to the treasury of this state, out of the monies provided to be raised by the first section of this act, whenever the same shall come into his hands; and in case there shall at any time be any deficiency in the means of reimbursement as aforesaid, it shall be the duty of the supervisors of said county, on the requirement of the comptroller, to cause to be raised, levied and collected, in the manner aforesaid, a sum sufficient to supply such deficiency.

Duty of su-
pervisors.

Courts where
held.

IV. *And be it further enacted*, That the next court of common pleas, and the next circuit court, and court of oyer and terminer in and for said county, shall be held at the house now occupied by Jesse C. Gilbert, in the village of Delhi; and it shall be lawful for the said court of common pleas, at their next term, to designate that or any other place in said village, for the holding of the then next term thereof, and to adjourn their said court accordingly, and so from term to term, till a court-house shall be erected, sufficient, in their judgment, for the accommodation of the county, and the courts of general sessions of the peace shall be held at the same place with the courts of common pleas.

Legal pro-
ceedings con-
firmed.

V. *And be it further enacted*, That all process and proceedings, both civil and criminal, now or hereafter tested or made returnable at the court-house in said county, shall be adjudged as valid as if a court-house existed in said county at the time of the teste or return thereof; and that all persons summoned or otherwise required to appear at any such court, shall be bound to appear at the place where said courts shall respectively be held.

Greene coun-
ty gaol to be
the Dela-
ware gaol till,
&c.

VI. *And be it further enacted*, That it shall be lawful for all courts and officers of and for the county of Delaware, in all cases civil and criminal, to confine their prisoners in the gaol of the county of Greene, in conformity to the provisions of the act entitled "an act concerning gaols and places for holding courts," passed February 2, 1807: *Provided*, That nothing in this section contained, shall be so construed as to annul, or in any wise affect the liberties of the gaol of said county of Delaware, as now or hereafter established by order of the court of common pleas thereof, or to impair the right of any debtor taken in execution, to the limits of said liberties.

Proviso.

VII. *And be it further enacted,* That the said commissioners, ^{Commissioners to account} or the survivor or survivors of them, shall, at all times when required by the supervisors of said county, account with them for the faithful expenditure of all the monies received by them or either of them, in virtue of this act.

CHAP. CLXXXIV.

AN ACT in addition to the act concerning Judgments and Executions.

Passed April 12, 1820.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That whenever any lands or tenements shall be sold after the first day of May next, by virtue of any execution already issued, or that shall hereafter be issued, it shall be the duty of the sheriff or other officer, instead of executing a deed for the premises sold, to give to the purchaser or purchasers of such lands or tenements a certificate in writing, describing the lands or tenements purchased, and the sum paid therefor, and the time when the purchaser will be entitled to a deed for such lands or tenements, unless the same shall be redeemed, as is provided in and by this act: And such sheriff ^{Sheriffs to give on sales by execution certificates & not deeds.} or other officer shall within ten days from the time of such sale, file in the office of the clerk of the county, a duplicate of such certificate, signed by him; and such duplicate certificate, or a certified copy thereof, shall be taken and deemed evidence of the facts therein contained. ^{To be filed.}

II. *And be it further enacted,* That it shall and may be lawful for any defendant, his heirs, executors, administrators or grantees, whose lands or tenements shall be sold after the first day of May next, by virtue of any execution, within one year from and after such sale, to redeem such lands or tenements, by paying to the purchaser thereof, his executors, administrators or assignees, or to the sheriff or other officer who sold the same, for the benefit of such purchaser, the sum of money which may have been paid on the purchase thereof, together with the interest thereon, at the rate of ten per centum per annum, from the time of such sale; and on such payment being made as aforesaid, the said sale and the certificate thereupon granted, shall be null and void. ^{Defendants may redeem their lands sold on execution.}

III. *And be it further enacted,* That it shall also be lawful for any creditor of any defendant, whose lands or tenements shall have been sold under any execution, after the first day of May next, who shall have a decree in chancery or a judgment at law against such defendant, which shall be a lien on the real estate of such defendant, and for the executors or administrators of any creditor having such decree or judgment, within fifteen months after such sale, in the default of the said defendants, to redeem the lands or tenements which shall have been so sold, in the manner prescribed in the second section of this act; but that the defendant shall, in all cases, be entitled to redeem such lands or tenements in preference ^{In what cases other creditors may redeem, &c.} to any creditor: And whenever any creditor shall redeem such ^{Defendants have preference.} lands or tenements as aforesaid, he shall be entitled to, and ac-

15 months
allowed.

quire all the rights of the original purchaser thereof; and any other creditor having such decree or judgment aforesaid, and the executor or administrator of any such creditor, may, in like manner, redeem the lands or tenements so sold, within fifteen months from the sale thereof, and may become entitled to all the rights and privileges acquired by any other creditor, by reimbursing to him, his executors, administrators or assigns, the sum which may have been paid by such creditor, together with interest thereon from the time of such payment, at the rate of seven per centum per annum, and by also satisfying any prior judgment or decree which such creditor may have against such defendant; and in like manner any other creditor having such decree or judgment aforesaid, and the executor or administrator of any such creditor may, within the time aforesaid, redeem such lands or tenements, from such first, second, third, or any other creditor; and upon such redemption being made in manner aforesaid, the title of the original purchaser shall be vested in such creditor or his executors or administrators.

Sheriff to give
deed, when
land is not re-
deemed.

IV. *And be it further enacted*, That if such lands or tenements so sold, shall not be redeemed as aforesaid, either by the defendant or by such creditor as aforesaid, within fifteen months from the time of such sale, it shall be the duty of the sheriff or other officer who shall have sold the same, or his executors or administrators, to complete such sale, by executing a deed of the premises so sold to the said purchaser; and if any creditor shall redeem such lands or tenements as aforesaid, it shall be the duty of such sheriff, or other officer; on the expiration of fifteen months from the time of such sale, to execute a deed of the premises so sold, to such creditor, as the assignee of the original purchaser, and such deeds shall be as valid and effectual in the law, as if such creditor had been the original purchaser.

Waste by
debtor how
prevented.

And be it further enacted, That if at any time after the sale of the premises as aforesaid, and before the expiration of the time allowed for redeeming the same, the debtor, or any person in the possession of the premises thus sold, shall do any acts of waste thereon, it shall be lawful for the chancellor of this state, or for the first judge of the county wherein said premises are situated, on application by the purchaser, or his authorised agent for that purpose, and on satisfactory proof being made of waste having been committed by such debtor or occupant, to grant an order against such wrong-doer to stay any further waste, under such penalties as such chancellor or judge shall impose, conformable to the powers and regulations incident to a court of chancery in all other cases, and which are hereby extended to such first judge for that purpose.

CHAP. CLXXXV.

AN ACT *relative to the State-Prison at New-York.*

Passed April 12, 1820.

I. *BE it enacted by the People of the State of New-York, re-* Proposals to be advertised for letting of state-prison.
presented in Senate and Assembly, That the inspectors of the state-prison at New-York, be and they are hereby required to advertise to receive proposals for the letting of the state-prison at New-York, and the convicts confined therein, and all such as shall hereafter be sent to that prison: the person or persons so taking a lease of said prison, to feed, clothe and furnish said prisoners with all necessities of life, necessary medicine and medical attendance in case of sickness, and indemnify the state against all costs and charges of maintaining and keeping said prisoners, excepting the charges of the inspectors: *Provided,* That no contract so made Provide. shall be so construed to take the government and direction of the said prison from under the direction of the inspectors and officers of the state, appointed to superintend the police and regulation of said prison; and the inspectors shall and may at all times hereafter, be appointed to superintend the police of said prison as the legislature may from time to time direct.

II. *And be it further enacted,* That such proposals shall be submitted by the said inspectors to the legislature at their next session; that the advertisements for such proposals shall be published in such public papers, and for such time, as the said inspectors shall think proper; and that such proposals shall be made to take effect and commence, if accepted by the legislature, on the first day of May, one thousand eight hundred and twenty-one. And to be submitted to the legislature.

III. *And be it further enacted,* That the said inspectors shall also be and they are hereby appointed commissioners to examine the marble quarries in the county of Westchester, and in the city and county of New-York, and fix on some one of them, which shall appear to them, or a majority of them, to be a suitable site for a state-prison; to ascertain as nearly as possible, the price for which the same may be purchased; to receive and make estimates; and to receive proposals for erecting the necessary buildings thereon, making the present state-prison at New-York, part of the compensation for erecting the said buildings; and to report to the legislature at their next session, what, in their opinion, is fitting to be done in the premises. Marble quarries in Westchester and New-York &c.

CHAP. CLXXXVI.

AN ACT *regulating a Ferry across Hudson River, between Coxsackie Landing and Nutenhook, in the county of Columbia, and for other purposes.*

Passed April 12, 1820.

I. *BE it enacted by the People of the State of New-York, Ferry for 12 years.*
represented in Senate and Assembly, That it shall and may be law-
 years.

ful for William Judson, of the town of Cossackie, county of Greene, and Andrew Witbeck and John L. Sharp, of the town of Kinderhook, county of Columbia, and their assigns, to keep and maintain a ferry across Hudson river, between the landing place of the said William Judson, at Cossackie landing aforesaid, and the landing place of the said Andrew Witbeck and John L. Sharp, at the south point of Nutenhook, in the town of Kinderhook aforesaid, for and during the term of twelve years, from the first day of September next.

Dock.

II. *And be it further enacted*, That the said William Judson, Andrew Witbeck and John L. Sharp, or their assigns, shall erect at some convenient place at each of the landing places aforesaid, on or before the said first day of September next, a good and sufficient dock or wharf, for the accommodation of such ferry, and maintain the same during the continuance of this act : *And further*, the said William Judson, Andrew Witbeck and John L. Sharp, shall, during the term aforesaid, keep a good and sufficient

Boats.

ferry boat or scow, to be propelled by the power of horses or other team; to ply between the landing places aforesaid, and which boat or scow shall be capable of carrying at one time across said river, two loaded waggons and six horses ; which said boat or scow shall be conveniently and safely constructed, and furnished with so many men to manage the same as shall be necessary and proper, with suitable implements therefor, together with power of team to propel said boat or scow sufficiently and reasonably fast between the places aforesaid, and that the said boat or scow shall be ready at all reasonable times and seasons to ferry across said river, persons, teams, goods and chattels.

Rates of ferriage.

III. *And be it further enacted*, That the rates of ferriage from Cossackie landing to Kinderhook aforesaid, shall be annually established by the court of common pleas, (when in session,) for the county of Greene, and that the rates of ferriage from Nutenhook, in the town aforesaid, to Cossackie landing, shall, in like manner, be annually established by the court of common pleas, (when in session,) for the county of Columbia : *And further*, it shall not be lawful for either of the courts of common pleas in the said counties of Greene or Columbia, to license any person or persons to keep a ferry within one mile of each of the said landing places, from and after the first day of September, one thousand eight hundred and twenty-one, and during the continuance of this act ; and the same penalties shall be incurred by persons ferrying contrary to the provisions of this act, as is now incurred by the act regulating ferries ; and that if any greater rates of ferriage shall be demanded by the said William Judson, Andrew Witbeck and John L. Sharp, their assigns or servants, than shall be established as aforesaid, the said William Judson, Andrew Witbeck and John L. Sharp shall forfeit and pay for every offence the sum of three dollars, to any person that will prosecute for the same.

Boats to be ready, &c.

IV. *And be it further enacted*, That the said boat or scow shall be in readiness to take passengers, teams, goods and chattels, at all times when it will be reasonable and safe for said boat or scow to cross said river, between sunrise and sundown, and twenty minutes shall be allowed for said boat or scow to remain on each side of the said river, at every time of crossing, except for breakfast

and dinner time one hour shall be allowed on one side of the river only.

V. *And be it further enacted*, That the said William Judson, and his assigns, shall be entitled to receive all monies taken for ferriage at Cossackie landing, and the said Andrew Witbeck and John L. Sharp, and their assigns, shall in like manner be entitled to receive all monies taken for ferriage at Nuttenhook aforesaid; and the said William Judson, Andrew Witbeck and John L. Sharp, shall have until the first day of September, one thousand eight hundred and twenty-one, to complete said boat or scow, in manner and for the use aforesaid, and no longer.

Ferriage at Cossackie landing.

VI. *And be it further enacted*, That nothing in this act contained shall prohibit any person or persons from carrying themselves, their goods, chattels or effects, in their own boats, or by consent of the owner of any boat, across said river, provided no compensation shall be given for such consent or privilege; and that nothing in this act shall be considered as authorising the said William Judson, and Andrew Witbeck, and John L. Sharp, to trespass in any manner upon the land of any other persons whatever, under any pretence of authority derived by this act.

Provision as to other persons crossing the river, &c.

VII. *And be it further enacted*, That if it shall appear upon sufficient evidence, to either of the courts of common pleas of the said counties of Greene or Columbia, that the said William Judson, Andrew Witbeck and John L. Sharp, or their assigns, shall neglect to comply with the directions of this act, in keeping the ferry aforesaid, according to the fair intent and meaning thereof, it shall and may be lawful for the said courts, or either of them, to adjudge that all the privileges granted to them by this act, shall cease and be void, in every respect, the same as if this act had never been passed.

Privileges when to cease

VIII. *And be it further enacted*, That it shall be lawful for Medad Butler, of Kinderhook, in the county of Columbia, and Jacob Weaver, of New-Baltimore, in the county of Greene, and their assigns, to keep and maintain a ferry across Hudson river, between Kinderhook landing and New-Baltimore, at the place where the present ferry is kept, for and during the term of twelve years, from the first day of September next, with all the rights and privileges, and subject to all the conditions, restrictions, penalties and liabilities contained in, and granted by this act to William Judson, Andrew Witbeck, and John L. Sharp, and no other.

M. Butler to keep a ferry, &c.

CHAP. CLXXXVII.

AN ACT concerning the Erie and Champlain Canals.

Passed April 12, 1820.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the comptroller is hereby authorised and required to allow the canal commissioners, in the settlement of their accounts, seventeen hundred and seventy-five dollars and three cents, it being the sum paid by said commissioners, for interest on one hundred and twenty-two thousand five

Duty of comptroller.

hundred dollars, borrowed by them in the year one thousand eight hundred and nineteen, and expended in making the Erie and Champlain canals.

Certain sums
to be borrow-
ed.

II. *And be it further enacted*, That whenever the damages, to be sustained by the Western inland lock navigation company, by investing in the people of this state all the lands, waters, canals, locks, feeders, and appurtenances, claimed by the said company, shall be appraised and determined, in the manner required by the fourth section of the act, entitled "An act respecting navigable communications between the great western and northern lakes and the Atlantic ocean," passed April fifteenth, one thousand eight hundred and seventeen, it shall be the duty of the commissioners of the canal fund, in addition to the sums which they are now authorised annually to borrow, to borrow on the credit of this state, at a rate of interest not exceeding six per centum per annum, the amount of said damages, and the expense of said appraisal, and also, the further sum of one hundred and twenty-two thousand five hundred dollars, when required by the canal commissioners, to be expended in making canals during the present year, for which monies so to be borrowed certificates of stock shall be issued in the manner directed by the first section of said act.

Appropriation
of cer-
tain monies,

III. *And be it further enacted*, That one fourth of the monies to be applied in constructing the said canals shall be appropriated towards the construction of the Champlain canal, and the remaining three fourths one half towards the western section of the Erie canal, and the remaining half towards the eastern section of the said Erie canal: *Provided however*, That the canal commissioners shall be authorised, out of the said monies, to complete and keep in repair such parts of the canals as have been in part, or wholly finished: *And provided further*, That in case the respective amounts above appropriated, should prove more than can be judiciously expended on the said different sections, it shall be the duty of the commissioners, especially charged with the superintendence of such section, to consent to the expenditure thereof on the other sections.

Proviso.

CHAP. CLXXXVIII.

AN ACT to explain and amend an Act, entitled "An Act to incorporate the Jamaica and Rockaway Turnpike Company," passed the second day of April, 1800.

Passed April 12, 1820.

Preamble.

WHEREAS the directors of the Jamaica and Rockaway turnpike company have, by their petition, represented to the legislature, that the termination of the turnpike road is not defined with sufficient precision in the act incorporating the said company: *And also*, That certain persons are in the practice of using the said road in a manner injurious to the said company, without paying toll, which was not contemplated when the said act was passed, and praying relief in the premises: Therefore,

1. *BE it enacted by the People of the State of New-York, re-* Road where
to terminate.
presented in Senate and Assembly, That the said turnpike road,
which begins at its intersection of the main road leading to Rock-
away beach, shall terminate and end opposite the house late of Ni-
cholas Everett, now of Jesse Mills, at the public highway : Pro- Proviso.
vided, the commissioners of highways of the town of Jamaica shall
consent thereto.

II. *And be it further enacted, That it shall be lawful for the* Toll.
said company, to exact and receive from every person, (except as
is herein after provided,) who shall use the said turnpike road, for
any distance exceeding one hundred yards, with carts or waggons,
loaded with hay or other products of the meadows and marshes ly-
ing on either side of said road, the sum of six cents for every such
loaded waggon or cart : Provided nevertheless, That the owners Proviso.
of the meadows immediately adjoining the said road shall not be
liable to pay toll for carting the hay taken from their said meadows,
upon the said road, any thing in the said act of incorporation, or
in any amendment thereof, heretofore made, to the contrary not-
withstanding : And provided further, That the legislature may, Further proviso.
at any time hereafter, alter or repeal this act.

CHAP. CLXXXIX.

AN ACT authorising the Overseers of the Poor of the town of
Smithfield, in the County of Madison, to hold certain Real
Estate.

Passed April 13, 1820.

BE it enacted by the People of the State of New-York, re- Overseers
may hold re-
al estate, &c.
presented in Senate and Assembly, That it shall and may be law-
ful for the overseers of the poor of the town of Smithfield, in the
county of Madison, to hold by devise or deed of gift to themselves
and their successors in office for ever, for the use and benefit of
the poor of the said town, any real estate in the said town, not ex-
ceeding five hundred acres : And it shall be lawful for the said
overseers and their successors in office, to let, lease and dispose of
such real estate upon such terms and in such manner as they shall
think best, for the use and benefit of the poor of said town.

CHAP. CXC.

AN ACT to enable certain Aliens therein mentioned to hold
Real Estate.

Passed April 13, 1820.

BE it enacted by the People of the State of New-York, re- C. & R. Swee-
ny authorised
to hold, &c.
presented in Senate and Assembly, That Campbell Sweeny and
Robert Sweeny, shall be, and they are hereby enabled to take re-
al estate within this state, either by devise, descent or purchase,
and to hold and dispose of the same in like manner as natural born
citizens ; and the title to any lands, tenements or hereditaments

heretofore devised to or purchased or acquired by them, shall not be impeached or defeated by reason of their alienage or the alienage of any person or persons from whom the said Campbell Sweeny and Robert Sweeny shall have derived such title, but the same is vested in the said Campbell Sweeny and Robert Sweeny, their heirs and assigns, in the like manner as if the said Campbell Sweeny and Robert Sweeny, and the person or persons from whom they derived such title, had been natural born citizens.

CHAP. CXCI.

AN ACT to amend an act, entitled "*an act to incorporate the Fishkill Mountain Turnpike Road Company,*" passed March 31, 1817.

Passed April 13, 1820.

Toll gates
authorised.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be lawful for the president and directors of the Fishkill mountain turnpike road company, when they shall have completed the said road, agreeable to the act hereby amended, to erect on said road one whole toll gate, or two half toll gates, with authority to require and receive toll from all persons liable to pay toll when travelling on said road, any thing in the act hereby amended to the contrary notwithstanding.

CHAP. CXCII.

AN ACT to authorise Benajah Byington to search for Rock Salt, in the County of Onondaga.

Passed April 13, 1820.

Preamble.

WHEREAS Benajah Byington, of the town of Salina, in the county of Onondaga, hath by his petition represented to this legislature, that he hath great reason to believe that vast quantities of rock salt may be discovered in the said county of Onondaga; but that the undertaking of such discovery will subject him to very great expense: To the end, therefore, that the said Benajah Byington may be indemnified in the making of a discovery of so great importance to the good people of this state:

Duty on rock
salt.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That a duty of fourteen and an half cents shall be paid on each and every bushel of rock salt which shall be discovered in any part of the county of Onondaga, and which shall be removed from the bed or mine, or on any salt which shall be manufactured from such rock salt; which said duty shall be collected in like manner as the duty on salt manufactured in the said county, is now prescribed by law to be collected; and any person or persons violating this law, shall be subject

to the like pains and penalties, that he or they would be subject to, by violating the present laws regulating the duties on salt manufactured in the said county of Onondaga, to be imposed and collected in the same manner as such penalties are now imposed and collected.

II. *And be it further enacted*, That the superintendent, or other person authorised by law to collect the said duty, shall pay two cents on each bushel out of the duty arising on such rock salt, so removed from the mine, or on the salt which shall be manufactured therefrom, to the said Benajah Byington, or to his heirs or assigns, for and during the term of ten years from the time the said Benajah Byington shall discover such rock salt; and the remaining twelve and an half cents of said duty shall be paid over by the superintendent in the same manner; and the same shall be so applied, as the duty arising on salt manufactured in the western district is now by law paid over and applied: *Provided however*, That the said Benajah Byington shall discover such rock salt within three years from the time of passing this act.

III. *And be it further enacted*, That the legislature may at any time alter, repeal or modify this act, on paying the said Benajah Byington three times the value of the time, labor and expense which the said Benajah shall have appropriated in making the said discovery.

Monies payable to B. Byington.

Rights reserved.

CHAP. CXCH.

AN ACT providing the mode of Legal Proceedings in certain cases.

Passed April 13, 1820.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful, in case any controversy or cause of suit or action doth now or hereafter shall exist between any of the towns of this state, or between the freeholders and inhabitants of any of the said towns, in relation to the town commons or the common property of the towns, or of the freeholders and inhabitants thereof, or the partition thereof for the supervisor and town clerk of any such town, in behalf of the same, and of the freeholders and inhabitants of such town, or either of them, to institute such suit or other proceedings at law, or in equity, as they may be advised or directed to do against any other town, or the freeholders and inhabitants of the same, for the purpose of trying and finally settling the matters in claim or controversy between them; and that it shall in like manner be lawful for the supervisor and town clerk of any town, against which such suit or other proceedings shall be instituted, to appear and answer to the same for and in the name of the said town, and the freeholders and inhabitants of the said town, or either of them; and that for the purpose of litigating the rights, or adjusting the claims of the said towns, and the freeholders and inhabitants of the said towns, or either of them, which may be put in issue in the said cause or other proceeding, or otherwise the subject thereof, all the

Disputes between towns, concerning commons how tried and determined.

proceedings shall and may be conducted to a final determination in the name of the said town and the freeholders and inhabitants thereof, or either of them, in like manner as if the said towns, or the said freeholders and inhabitants, were created bodies corporate; and that all process, notices and orders in the said cause or other proceedings, which shall be duly served upon the supervisor and town clerk of any town, shall be valid and effectual in law:

Provide. *Provided always,* That no suit or suits, or other proceedings, shall be commenced and prosecuted or defended by virtue of this act, unless the same shall have been first authorised and directed by a vote of the freeholders and inhabitants of the town, where town commons or common property is the subject of such suit or suits or other proceeding, in their annual or special town meeting regularly convened, for that purpose assembled.

Legal effect of proceeding.

II. *And be it further enacted,* That such suit or suits, or other proceedings, shall and may be conducted in like manner in all respects, and the final judgment or decree therein shall have the same force and effect in binding the said towns and the freeholders thereof respectively, as other suits or other proceedings of a similar kind, have in binding the parties thereto respectively; and that the same shall not abate by the death or removal from office of any supervisor or clerk, but shall and may be continued in the name of the successor of the officer so dead or removed; and that whenever, by any decree or decision, the rights of any town shall be confirmed and settled under and by virtue of this act, it shall and may be lawful for such court, in case they shall deem it advisable, to partition such lands or property according to the right as decreed and settled.

CHAP. CXCV.

AN ACT to amend an act, entitled "*an act concerning Distresses, Rents, and the renewal of Leases,*" passed April 5th, 1813, and for other purposes.

Passed April 13, 1820.

Proceedings when a tenant holds over.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That if any tenant or lessee at will, or at sufferance, or for part of a year, or one or more years, or from year to year, of any houses, lands, messuages, tenements or hereditaments; or the assigns, under tenants or legal representatives of such tenant, or lessee, shall, after the expiration of his, her or their term, hold over and continue in possession of the same, or any part thereof, without the permission of the landlord or lessor of the premises; or if any such person or persons shall so hold over, without such permission as aforesaid, after default in the payment of rent, pursuant to the contract or agreement under which such premises shall be held, it shall be lawful for such landlord or lessor, or his heirs, executors, administrators, attorney, agent, bailiff, receiver, or assigns, to make oath, in writing, of the expiration of such term, or of such default in the payment of such rent, and of such holding over, without permission as aforesaid, and thereupon to apply to the mayor, recorder,

or any one of the aldermen, special justices, justices of the marine court, or any one of the assistant justices of the city of New-York, if the premises are situated in the said city ; or to any judge of the court of common pleas, or mayor or recorder of any other city or county within which the demised premises may be situated, who, on receiving such oath in writing, are hereby required to issue a summons, requiring the person or persons in possession of the said premises, or claiming the possession thereof, forthwith to remove from the same, or show cause before the magistrate issuing such summons, on the same day, or within such time, not exceeding five days after the service thereof, as to him shall, under all the circumstances, appear to be reasonable, why such landlord or lessor, or his heirs, assigns, or legal representatives, should not be put in possession of the said premises ; and if no sufficient cause be shown to the contrary, such magistrate shall issue an order or warrant, to be directed to the sheriff of the county within which the premises are situated, or to any constable or marshal of any city or town, commanding him to remove all persons from the said premises, and to put such landlord or lessor, or his or their heirs, executors, administrators or assigns, into the possession thereof. And the said sheriff, constable or marshal, is hereby required to obey and execute such order or warrant : *Provided always*, That in case Proviso. of a tenancy at will or sufferance, the landlord or lessor shall give three months notice in writing to the tenant or tenants of the premises, requiring him or them to remove therefrom, before applying to a magistrate for relief under this act : which notice shall be served by delivering the same to such tenant or tenants, or some person of proper age residing on the premises : and if the tenant or tenants cannot be found, or there be no such person residing on the premises, then such notice shall be served by putting up the same on the most conspicuous part of the premises, and where the same can be the most conveniently read : *And provided also*, That Further proviso. in the case of a proceeding for non-payment of rent, as before mentioned, there shall have been a demand of such rent, or three days notice, in writing, by the person or persons entitled to such rent, to the person or persons owing the same, requiring the payment of the said rent, or the delivery of possession of the premises, to be served in the same manner as last provided.

II. *And be it further enacted*, That if such person or persons Jury when to be summoned in possession of such premises as aforesaid, or claiming the possession thereof, shall make oath that the term in the premises in question is not expired, or that he, she or they do not hold or claim the said premises contrary to an agreement then existing between them and the person or persons applying for such summons as aforesaid ; or in the case of an application by reason of the non-payment of rent, if the person or persons against whom such application is made, shall make oath that such rent is not in arrear and unpaid, the said magistrate, or any other of the said magistrates before named, in their respective cities and counties, shall issue a precept, directed to the sheriff of the said city or county, commanding him to summon a jury of twelve men, qualified to serve as jurors in courts of record, to appear before the magistrate issuing such precept, either on the day of issuing such precept, or on the day thereafter, who shall hear the proofs and allegations of the

parties, and under the advice and direction of such magistrate last mentioned, shall hear and determine the matter in difference between the said parties; that the said jury shall be empanelled and sworn as is usual in trials by jury in courts of record; and if the verdict of the said jury shall be for the landlord or lessor, or person or persons applying for the summons in the first instance, as herein provided, the said magistrate, before whom such trial by jury shall take place, shall issue a similar order or warrant to put the landlord or lessor, or person or persons applying for such summons in the first instance as aforesaid, into the possession of the premises, as is provided for in the first section of this act.

Security for
rent, and non-
payment, &c.

III. *And be it further enacted*, That in the case of a proceeding under this act for the non-payment of rent, if the decision of the magistrate or the verdict of the jury, as the case may be, shall be against the person or persons of whom such rent is claimed, the contract or agreement, and the relation of landlord and tenant between the parties shall be thereafter cancelled and annulled, unless the person or persons owing such rent shall forthwith pay the said rent, and the costs of proceeding under this act, or give such security to the person or persons entitled to the said rent, for the payment thereof, with costs, in ten days thereafter, as shall be satisfactory to the said magistrate: *And further*, That no proceeding for non-payment of rent shall take place under this act, in any case where it shall appear that satisfaction for such rent might have been obtained by distress.

Construction
of certain
agreements.

IV. *And be it further enacted*, That every agreement which shall be made for the hiring or occupation of any lands or tenements in the city of New-York, and which shall not particularly specify the time during which such hiring or occupation is to continue, shall be deemed and held valid until the first day of May next after the time when the possession under such agreement shall commence; and that unless it is otherwise agreed upon between the parties to such agreement, the rent under such agreement, or the compensation to the landlord, for the use and occupation of the premises, shall be payable on the usual quarter days for the payment of rent in the said city, and be recoverable accordingly. *And further*, That no agreement by parole, and not in writing, for the letting or hiring of any lands or tenements in the city of New-York, shall be valid or binding in law, for any longer period than one year from the making thereof.

Parol agree-
ments not va-
lid, except for
one year.

False swear-
ing perjury.

V. *And be it further enacted*, That if any person who shall be sworn to any matter by virtue of this act, shall in such matter swear falsely, such person shall, on conviction thereof, be subject to all the pains and penalties of perjury.

Rights reserved
and fees
of officers.

VI. *And be it further enacted*, That nothing in this act contained, shall be construed to impair the rights of any landlord or lessor, under existing laws; and that the magistrates and officers shall be entitled to the like fees, under this act, as for similar services under any other act or acts, to be paid by the party against whom the decision shall be pronounced, and recovered of him by the other party in an action of debt.

Right to por-
tug goods ta-
ken away to
defraud land-
lord.

VII. *And be it further enacted*, That it shall and may be lawful for any lessor or landlord, or any person or persons by him for that purpose lawfully empowered, at any time within the space of

thirty days next after the rent shall have become due and payable, to pursue, take and seize all such goods or chattels of such tenant or lessee, as a distress for the arrears of rent, as may have been conveyed away or carried from off the demised premises, and that so much of the thirteenth section of the act "concerning distresses, rents, and the renewal of leases," as is repugnant hereto, be, and the same is hereby repealed.

VIII. *And be it further enacted*, That any tenant or tenants, who shall hold over the possession of any lands, tenements or hereditaments against the provisions of the twenty-first section of the said act "concerning distresses, rents, and the renewal of leases," in addition to the double rent thereby given, shall be liable to pay and remunerate the landlord or lessor for all special damages whatsoever, to which such landlord or lessor may be subjected, by reason of such holding over, to be recovered in like manner, as in and by the said act is provided. Special damages against tenants holding over, &c.

IX. *And be it further enacted*, That if the tenant or lessee of any lands or tenements shall take the benefit of any insolvent act, or shall abscond and leave the premises vacant, the landlord or lessor shall, in either such case, and on due proof thereof, be entitled to the like proceedings, for obtaining the possession of the said premises as are provided in the first section of this act, unless the tenant or lessee shall give such security to the landlord or lessor of the said premises, for the payment of the rent thereof, as the same shall become due, as shall be satisfactory to the magistrate to whom application shall be made for such proceedings as aforesaid. When landlord may resume possession of vacant premises, &c.

X. *And be it further enacted*, That the act, entitled "An act to amend an act, entitled 'an act concerning distresses, rents, and the renewal of leases, passed April 5th, 1813, and for other purposes,' passed April 21st, 1818, be and the same is hereby repealed. Certain act repealed.

CHAP. CXCV.

AN ACT to extend the time of payment of the Loan made by this state to George Booth.

Passed April 13, 1820.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the payment of the money now due to this state on the loan made to George Booth, by an act of the legislature, passed April the sixth, one thousand eight hundred and eight, with the interest thereon, amounting to six thousand six hundred and four dollars, and seventeen cents, is hereby extended to six years, conditioned as follows: one sixth part of the said sum, with the interest accruing on the whole, in one year after the passing of this act; the remaining sum to be paid in five yearly instalments, with the annual interest accruing on the whole, provided that the said loan is in the opinion of the comptroller sufficiently secured. Time of payment extended, &c.

CHAP. CXCVI.

AN ACT to prohibit the storing of Gunpowder in the county of Kings.

Passed April 13, 1820.

Gunpowder
in Brooklyn.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That from and after the first day of July, in the year of our Lord one thousand eight hundred and twenty, it shall not be lawful for any person or persons to keep at any one time, in the town of Brooklyn, in the county of Kings, except in the powder-houses now erected and built at Fort Green, and at Redhook point, more than twenty-eight pounds weight of gunpowder under the penalty of ten dollars for each and every twenty-eight pounds weight of gunpowder, kept contrary to this act, to be recovered with costs of suit, in an action of debt, by any person who shall sue for the same.

Duty of judge
or justice.

II. *And be it further enacted*, That upon satisfactory proof being made by the oath of two credible witnesses, before any judge or justice of the peace of the said county, of the storing of gunpowder, contrary to the provisions of this act, it shall be lawful for the said judge or justice, to issue his warrant to the sheriff, or any constable of the said county, to seize the same gunpowder, and sell the same at public auction, and pay the amount of such sale to the overseers of the poor, for the benefit of the poor of said town; and if any person shall be sued for any thing done under and by virtue of this act, it shall be lawful for him to plead the general issue, and give this act and the special matter in evidence.

CHAP. CXCVII.

AN ACT further to amend the Act, entitled "An Act relative to Lotteries," and the Act amending the same.

Passed April 13, 1820.

Certain un-
old tickets
to be return-
ed, &c.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the agents appointed by the managers to vend lottery tickets, shall, on the first day of drawing each lottery, forward to the manager conducting the office in the city of New-York, or to the president of the board of managers, for the time being, such tickets and shares of tickets, as may remain in their hands unsold: And the managers of lotteries shall, during the time of drawing, postpone the sale of tickets until after the drawing for the day shall have ended, and shall bring the tickets unsold into the place where the said lottery is drawn, and there publicly seal up the same, and after the drawing for the day is over, shall openly select from the tickets unsold such as shall have been drawn on that day, and the residue may again offer for sale, at such prices as they shall think discreet, until the

next days drawing, and proceed thus, from day to day, until the drawing of the lottery shall be completed.

II. *And be it further enacted*, That from and after the first day of July next, the sum required for a license to sell lottery tickets in the city of New-York, shall be reduced from five hundred dollars, to a sum not exceeding two hundred and fifty dollars ; any thing contained in the acts hereby amended to the contrary notwithstanding.

Lottery license reduced to 250d.

CHAP. CXCVIII.

AN ACT for the relief of Eunice Grimmond.

Passed April 13, 1820.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That all the right, title, and interest which the people of this state have in and to any real or personal estate in the county of Westchester, of which William Grimmond died seised, be and the same is hereby released unto his widow, Eunice Grimmond, to all intents and purposes.

Certain estate vested in E. Grimmond

CHAP. CXCI.

AN ACT for the relief of the Oldenbarneveld Manufacturing Company.

Passed April 13, 1820.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the comptroller is hereby authorised and required to credit the Oldenbarneveld manufacturing society, with two sevenths of the amount due upon the loan made to the said company, by an act passed June 16th, 1812: *Provided*, the said society, or the individuals to whom they may be responsible, shall release and discharge the estates and representatives of David Spencer and Ephraim Willard, deceased, from the payment of any part of the aforesaid amount, and from all liability whatsoever, to pay to any person or persons whatsoever any sum or sums of money, on account of the said loan, or by way of indemnity for securing said loan.

Duty of comptroller.

II. *And be it further enacted*, That the remaining five sevenths of the said amount shall be paid in yearly instalments of four hundred dollars, including principal and interest, until the whole shall be paid ; the first payment to be made one year after the passing of this act.

Residue of certain monies how payable.

III. *And be it further enacted*, That the attorney-general be, and he is hereby required to discontinue all proceedings against Adam G. Mappa and others, for the collection of the money so loaned to the said society as aforesaid, upon the payment of all such costs as have accrued upon such proceedings.

Duty of attorney-general.

CHAP. CC.

AN ACT to prevent the killing of Muskrats.

Passed April 13, 1820.

Killing of
muskrats pro-
hibited.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That if any person shall kill or destroy any muskrat between the first day of May and the first day of November, in any one year, after the passing of this act, he shall forfeit and pay the sum of one dollar, for every such offence, one moiety thereof to the person who shall prosecute for the same, and the other moiety to the use of the poor of the town in which the said offence shall be committed; which said penalty shall be recovered in an action of debt, before any court having cognizance thereof, with costs of suit: Provided always, That this act shall not extend to the killing of any muskrat, within the time aforesaid, along the line of any canal or artificial dam or embankments whatsoever.

Provi o.]

CHAP. CCI.

AN ACT for the preservation of Fish in Sand-Lake, in the County of Rensselaer.

Passed April 13, 1820.

Fishery in
Sand-Lake.

I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the passing of this act, it shall not be lawful for any person or persons at any time or in any manner whatsoever, before the first day of September, in the year one thousand eight hundred and twenty-two, to take any fish of any kind, or to use any means for taking them, in the waters of a certain small lake, in the town of Sand-Lake, in the county of Rensselaer, commonly called by the name of Sand-Lake.

Penalties.

II. And be it further enacted, That if any person or persons shall fish contrary to the provision of the preceding section, he or they shall forfeit the sum of ten dollars for each and every offence, to be sued for and recovered by any person who will prosecute for the same, in an action of debt, in his own name; the one moiety thereof shall, when recovered, be paid to the overseers of the poor of the said town of Sand-Lake, for the use of the poor thereof, and the other moiety to the person who shall sue for the same.

Pickeral in
Sand-Lake.

III. And be it further enacted, That it shall not be lawful for any person, at any time after the passing of this act, to take any pickeral in any of the waters of the lake commonly called by the name of Sand-Lake, in any other way or by any other means than with the hook; and if any person or persons shall take any pickeral by any other means, he, she or they shall forfeit and pay for each offence, to any person who will prosecute for the same, in any court having cognizance thereof, with costs of suit, the sum of ten dollars, in an action of debt.

Penalties.

CHAP. CCII.

AN ACT for the maintenance and protection of the Erie and Champlain Canals, and the Works connected therewith.

Passed April 13, 1820.

I. *BE it enacted by the People of the State of New-York, re-* Provision as to new roads and bridges.
presented in Senate and Assembly, That in all cases when a new road or public highway is laid out, by legal authority, in such direction as to cross the line of the Erie canal, Champlain canal, or the Salina side cut, after said line is established, and in such manner as to require the erection of a new bridge over either of the said canals, for the accommodation of said road, such bridge shall be so constructed and forever maintained at the expense of the town in which such bridge is to be situated: *Provided how-* Proviso.
ever, That no bridge shall be constructed across either of said canals, without first obtaining for the model and location thereof, the consent in writing, of one of the acting commissioners, or the principal engineer of the canal to be intersected by said road: And provided, that if any person or persons, shall undertake to construct or locate such bridge without such consent, and shall proceed therein, so far as to place any materials for that purpose on either bank of the canal, or on the bottom thereof, he or they shall be subject to a penalty of fifty dollars for such undertaking, and either of said commissioners or engineers shall be authorised to remove all such materials so soon as they are discovered, wholly without the banks of the canal.

II. *And be it further enacted,* That every person who shall lead, drive or ride any horse, ox, ass, mule or other cattle upon the towing path, or the bank opposite to the towing path, of either of the said canals, except for the purpose of towing boats or other floating things upon the waters thereof, and except, for the purpose of conveying articles to and from the said canals, in order to their transportation on the waters of the same, or their delivery at their place of destination, shall forfeit for every such offence, the sum of five dollars, and pay all damages consequent upon such offence Penalty.
over and above the said forfeiture; and in case of default, in the immediate payment of such forfeiture, after conviction of said offence, such person or persons shall be liable to imprisonment in the gaol of the county where such offence shall be committed, for a term not exceeding thirty days, at the discretion of the court before whom such conviction shall be had.

And whereas it may happen that the said canals, or the works Recital.
connected therewith, may be injured by unforeseen accidents, whereby the navigation may be interrupted, and the lands adjacent thereto may be exposed to damage: Therefore,

III. *Be it further enacted,* That for the speedy reparation of Provision in case of unforeseen accidents to canals on lands.
such injury, that whenever, and as often as such case shall happen, it shall be lawful for the said commissioners, or either of them, or of their engineers, or any other person employed by either of them, with carts, waggons or other carriages, with their beasts of draft or burthen, and all necessary tools and implements, to enter upon any lands contiguous to the said canals, or the works connected

Damages
claimed by
owners, how
ascertained.

therewith, and to dig for, work, get and carry away, and use, all such stone, gravel, clay, timber and other materials as may be necessary or proper, in their opinion, for such reparation, doing as little damage thereby, as the nature of the case will permit : And in case damages shall be claimed by the owner or owners of any land entered upon for the purpose of obtaining materials as aforesaid, and the said commissioners, or either of them, or the principal engineer of that portion of either of the said canals, where such injury may have occurred, cannot agree with such owner or owners as to the amount of said damages, then, for the purpose of ascertaining that amount, it shall be lawful for either of the said acting commissioners, or for such engineer, to select one discreet freeholder of the county wherein such damages may be claimed, and such owner or owners, another, and these two freeholders shall select a third, which three, after being severally sworn before any person authorised to administer oaths, faithfully and impartially to assess said damages, shall proceed to enquire into said damages, and after having ascertained the same by the concurrent opinion of any two or all of the said freeholders, they shall certify the same in writing, under their hands and seals, or the hands and seals of any two of them ; and the amount of damages thus certified, shall be paid to such owner or owners, by the said commissioners, within ten days after said certificate shall be delivered to them, or as soon thereafter as they shall be in funds ; and proof of such payment, or of the offer of such payment, in case of refusal to receive the same on the part of such owner or owners, shall forever discharge the said commissioners and their engineers, and all persons employed by them, from all claims for entering upon such land, and taking and using materials as aforesaid ; and in case the amount of damages certified by said freeholders, in any case, shall fall short of the sum offered for such damages by said commissioners or engineer, previously to the selection of said freeholders, then the cost of all proceedings after such offer, shall be deducted from the amount of damages so certified, and said commissioners shall be required to pay to said owner or owners, no more than the residue of said damages after the deduction of such cost ; but in case the amount of damages so certified, shall exceed such previous offer, then all such cost shall be paid by said commissioners over and above the damages so certified ; and the said freeholders shall each be entitled for his services to the sum of one dollar and fifty cents, for each assessment of damages ; and if more days than one are required to ascertain and assess said damages, then each of said freeholders shall be entitled to one dollar and fifty cents per day, for every day thus required.

Duty of boat-
men, in pass-
ing through a
lock.

IV. *And be it further enacted*, That every boatman or other person having charge of any boat or other floating thing, upon either of the said canals, which shall pass through any lock thereon in descending from a higher to a lower level, shall, previously to moving his boat or other floating thing into any lock, shut the lower gates of such lock, and the paddles thereto belonging, before he shall open the upper gates, or draw or open the paddles thereof, or open the culvert gates of the head of said lock, and after he shall have moved his boat or other floating thing into the said lock, he shall then shut the upper gates thereof, and the paddles

thereof, and the gates of the culverts belonging to the head thereof, before he shall draw or open the paddles of the lower gates thereof; and immediately after such boatman or other person shall have moved his boat or other floating thing, through any lock either way, and shall have emptied such lock, he shall securely shut all the passages for water into and out of said lock, contrived for the purpose of filling or emptying the same: And at all times, boats or other floating things going up the said canals, if within sight of any boat or other floating thing coming down, and at a distance not exceeding one hundred yards below any lock, shall pass through such lock before the boat or other floating thing above such lock shall come down; and if there shall be more boats or other floating things than one below and one above any lock, at the same time, within the distance aforesaid, such boats or other floating things shall go up and come down through such lock by turns, as aforesaid, until they shall have passed the same, in order that one lock full of water may serve two boats or other floating things. And if any boatman or other person shall offend against either of the provisions of this section, he shall forfeit for every such offence the sum of twenty-five dollars.

Boats within sight of each other, &c.

Penalty.

V. *And be it further enacted*, That if any boat or other floating thing shall be so moored, in either of the said canals, as to obstruct the navigation thereof, or if any person or persons shall obstruct the navigation of either of the said canals, by means of the loading, unloading, misplacing or otherwise misconducting any boat or other floating thing, and shall not immediately, upon being requested thereto by any commissioner, engineer, superintendent or agent employed on said canals, or by any person incommoded by such obstruction, remove the same, the boatman or person who caused said obstruction, shall forfeit for every such offence, the sum of twenty-five dollars, over and above the expense of removing said obstruction.

Regulation as to mooring of boats, &c.

Penalty.

VI. *And be it further enacted*, That if any person shall obstruct the navigation of either of the said canals, by sinking any vessel, timber, stone, earth or other thing or things, to the bottom of either of said canals, or by placing any obstruction on the towing path thereof, or on the bank opposite the towing path thereof, such person shall forfeit for every such offence, the sum of twenty-five dollars; and in case such forfeiture is not paid forthwith, on conviction of such offence, such convict shall be imprisoned in the gaol of the county where such offence may be committed, upon the warrant of any court before whom such conviction may be had, for the term of one calendar month.

Obstructions by sinking any vessel, &c.

Penalty.

VII. *And be it further enacted*, That if any person or persons shall wantonly or unnecessarily open or shut, or cause to be opened or shut, any lock gate, or any paddle or culvert gate thereof, or any waste gate, or drive any nails, spikes, pins or wedges into either of the said gates, or take any other mode of preventing the perfect and free use of either of the said gates, or shall wantonly or maliciously break, throw down or destroy any bridge or fence, on either of the said canals, such person or persons shall, for every such offence, forfeit the sum of fifty dollars, and be imprisoned in the gaol of the county where such offence may be committed, upon the warrant of the

Opening, &c. improperly any lock gate, &c.

Penalty.

court before whom a conviction for such offence shall be had, for a term not less than one, nor more than three calendar months.

Destroying
any lock,
bank, &c.

VIII. *And be it further enacted*, That if any person or persons shall wilfully and maliciously break, throw down or destroy any lock, bank, waste-weir, dam, aqueduct or culvert, belonging to either of the said canals, such person or persons shall, for every such offence, pay all the damages arising from such breaking, throwing down or destroying, and on conviction thereof, before any court of general sessions of the peace, or court of oyer and terminer to be held in the county where such offence may be committed, shall be sentenced to imprisonment in the state prison, at hard labour, for any term not less than three years, in the discretion of the court before whom such conviction shall be had.

Penalty-

Boats meet-
ing one an-
other.

IX. *And be it further enacted*, That in all cases where any boat or other floating thing, in passing on either of the said canals, shall meet with any other boat or other floating thing, it shall be the duty of the boatmen or person having charge of each of said boats, or other floating things, to turn out to the right hand, so far as to give to each other a free passage, or as to be wholly on the right side of the centre of the canal; and in all cases when any boat or other floating thing, shall approach any place on either of the said canals, which is less than thirty feet wide at the top water line, or which will not safely permit their passing, it shall be the duty of the boatman or person having charge of the boat or other floating thing, going from the navigable waters of the Hudson river, to wait at such distance from such narrow place as may be convenient for the boat or other floating thing, going towards the said navigable waters, to pass through the said narrow place, until such passage is effected; and every boatman or other person violating either of the provisions of this section, shall forfeit, for every such offence, the sum of ten dollars.

Not to move
more than 5
miles an hour
unless, &c.

X. *And be it further enacted*, That no boat or other floating thing shall be permitted to move on either of the said canals, without permission in writing of a majority of the canal commissioners, faster than at the rate of five miles an hour; and that in all cases in which a boat intended and used chiefly for the carriage of persons and their baggage, shall overtake any boat or other floating thing, not intended or used chiefly for such purpose, it shall be the duty of the boatman or person having charge of the latter to give the former every practicable facility for passing; and whenever it shall become necessary for that purpose, to stop, until such boat for the carriage of passengers shall have fully passed; and every boatman or other person who shall offend against any part of this section, shall forfeit, for every such offence, the sum of ten dollars.

Wharves not
to be con-
structed.

XI. *And be it further enacted*, That no person shall construct any wharf, basin or watering place on, or make and apply any device whatever, for the purpose of taking water from either of the said canals, without first obtaining permission therefor, of one of the acting commissioners, or of the principal engineer of the canal where such wharf, basin, watering place, or device as aforesaid is desired, in writing; and if any person shall offend against this section, by attempting to make any such construction or apply such device, without such permission, or shall not conform to the directions of the acting commissioner or engineer who may give such

permission, in respect to the location and size of such wharf, basin, watering place, or device as aforesaid, such person shall, for every such offence, forfeit the sum of twenty-five dollars ; and the said acting commissioner, or engineer, shall be authorised, at the expense of the person thus attempting to remove and destroy every such wharf, basin, watering place or device as aforesaid. Penalty.

XII. *And be it further enacted*, That if any agent, toll collector, lock keeper, or superintendent employed on either of the said canals, and occupying any house, office, building or land belonging thereto, shall be discharged from his employment by either of the acting commissioners on said canals, and shall not deliver up the possession of such house, office, building or lands and their appurtenances, together with all the books, papers and other matters and things belonging to the said canals, within seven days next after notice of such discharge shall be given to him, or left at such house, office or building ; or if the wife or family of any such agent, toll collector, lock keeper or superintendent, who shall die in either of said employments, shall refuse to deliver up the possession of such house, office, building, or lands and appurtenances, together with the books, papers and other matters and things belonging to either of the said canals, in his, her or their custody, power or possession, within seven days after another person shall have been appointed in the place and stead of the person so dying, then and in either of those cases, it shall be lawful for any justice of the peace, in the county where such house, office, building or lands shall be, and he is hereby required, by warrant, under his hand and seal, to order any constable or other peace officer, with such assistance as may be necessary, to enter such house, office, building, or upon such land, in the day time, and remove the persons who shall be found therein, together with their goods and chattels, out of such house, office, building, and off from such land, and to take possession of all the books, papers, matters and things belonging to said canals, and to deliver possession of the same to the new appointed agent, toll collector, lock keeper or superintendent. Agents dismissed, to surrender books, papers, property, etc.

XIII. *And be it further enacted*, That the tonnage of all articles conveyed on either of the said canals, on which toll may be charged therefor; shall be ascertained and charged according to the real weight thereof, and that one hundred and twelve pounds weight avoirdupois shall be deemed and taken as and for one hundred weight ; and in case any difference shall arise between any collector of the said rates, and the boatman or other person having charge of such articles, or the owner thereof, concerning the weight thereof, it shall be lawful for any such collector to stop and detain such articles, together with the vessels in which they may be contained, and to weigh the same ; and if upon such weighing the said articles shall be found to weigh more than the account given thereof by such boatman, person or owner, then it shall be lawful for such collector to charge toll for said articles, according to their weight thus found ; and such boatman, person or owner, shall pay the expenses of such weighing, at the rate of twelve and a half cents for every ton weighed, to the said collector, who in case of refusal to pay the same, on demand, by such boatman, person or owner, shall be authorised to levy the said expenses, in the Duty of justices in case of refusal.

Tonnage how to be ascertained.

Power to stop vessel.

Expense of weighing.

same manner as is hereinafter provided in case of refusal to pay toll.

Differences
between
boatmen and
collector.

XIV. *And be it further enacted*, That in all cases where toll is charged by the number of articles conveyed, or by the number of feet contained therein, if any difference shall arise between any collector of the said toll and the boatman, or person having charge of such articles, or the owners thereof, it shall be lawful for any such collector to stop and detain such articles, together with the vessels in which they may be contained, and to count or measure the same; and if upon such counting or measurement, it shall be found that the said number or feet exceed the account given by such boatman, person or owner, then it shall be lawful for such collector to charge toll according to the number and feet thus found; and such boatman, person or owner shall pay the expense of such counting or measurement, at the rate of six cents a piece for such articles as pay toll by number, and twelve and a half cents per hundred feet for such articles as pay by the foot, for all the articles so counted or measured, to such collector, who in case of refusal to pay the same, on demand, by such boatman, person or owner, shall be authorised to levy the said expenses, in the same manner as is herein after provided in case of refusal to pay toll.

Names of
vessels to be
painted there-
on.

XV. *And be it further enacted*, That no boat or vessel of any description shall be permitted to pass through any lock, or either of the said canals, unless such boat or vessel shall have painted, in large letters, near the head or stern thereof, and above the water when full laden, the name of such boat or vessel, and the place where the same is owned; and every boat or vessel, except those used exclusively for the carriage of persons and their baggage, shall have fixed on each side thereof, two metallic straps, one near the head, and one near the stern, extending from below the surface of the water when empty, to above the surface of the water when full laden, which straps shall each be so graduated and marked, as distinctly to shew the amount of tons weight contained in said boat or vessel; and every person who shall attempt to pass any boat or vessel through any lock, or shall introduce any boat not named and graduated as aforesaid, into either of the said canals, in violation of this section, after the first day of September next, shall forfeit for every such offence, the sum of twenty-five dollars.

Metallic
straps,

Penalty
Setting poles,
&c. prohibi-
ed.

XVI. *And be it further enacted*, That no person navigating either of the said canals, shall be permitted to use therein any setting pole, or shaft pointed with iron or other metal, and if any person shall offend against this section, he shall, for every such offence, forfeit the sum of five dollars, and it shall be the duty of the lock keeper to take such pole or shaft so found.

Bills of lad-
ing.

XVII. *And be it further enacted*, That every boatman or person having charge of property moving on either of the said canals, shall give to such persons as may be duly authorised to collect tolls, at the place where such collector shall attend for that purpose, a just account or bill of lading, in writing, signed by the person or persons sending or conveying such property, or by his or their clerk or agent; which account shall contain a statement of the weight of all the property on which toll is charged by the ton, and of the number of articles on which toll is charged by the num-

ber, and of the feet of articles on which toll is charged by the foot ; and in all cases where a difference in the rate of toll is charged on different articles, the weight or quantity of each specifically set forth ; and it shall contain a statement of the place from which such property is brought, and where the same is intended to be landed ; and in case any boatman, or person having charge of any property as aforesaid, shall neglect or refuse to give such account, when thereto requested by any such collector, or shall wilfully and knowingly give a false account, or deliver any part of such property at any other place, than that mentioned in said account ; or shall wilfully do any other act whereby the payment of said toll, or any part thereof, shall be avoided, or if the person required to sign such account, shall sign a false account of such property, every person so offending shall forfeit, for every such offence, the sum of twenty-five dollars. Penalty,

XVIII. *And be it further enacted,* That any collector of toll, duly authorised by the canal commissioners, may stop and detain all boats and other property floating on either of the said canals, until the boatman or person having charge thereof, or the owner thereof, shall pay the toll, or may distrain any part of the said property sufficient to satisfy the same, which distress shall be kept by the collector of tolls taking the same, for the space of eight days, and afterwards be sold at public auction, at the place where such tolls are usually receivable, to the highest bidder, rendering the surplus on demand, if any there be, after payment of the said toll and the costs of distress and sale, to the owner or owners thereof. Collectors may stop boats.

XIX. *And be it further enacted,* That for all damages done to either of the said canals, or any of the works connected therewith, either of the acting commissioners or principal engineers shall be authorised to sue in any court of competent jurisdiction ; and if a verdict or judgment shall be given, either on proof made, or by default, or upon demurrer, against any person or persons, for such damages, the plaintiff shall recover the same, with full costs of suit ; and in all cases in which suits are brought, it shall be the duty of the canal commissioners to have accurate accounts kept of the amount of recoveries and of costs and expenses, and after deducting the said costs and expenses from said amount, to pay the residue of said recoveries over to the commissioners of the canal fund. Damages done canal how recovered.

XX. *And be it further enacted,* That the canal commissioners shall be authorised to establish the rates of toll to be paid on all articles conveyed on either of the said canals in any manner, and to erect all such toll houses, weighing scales, offices and other edifices, and purchase such ground for the convenience thereof, as they may think necessary for the convenience and profitable use of the said canals, at such times and places as they may deem proper, and that they shall be authorised from time to time, to make all such rules and regulations in respect to the collection of toll and the payment thereof to the commissioners of the canal fund, in respect to the size and structure of boats, rafts and other floating things on the waters of each of the said canals, and in respect to all matters in any way connected with the navigation thereof, and to impose such forfeitures of money for the breach of such rules and Rates of toll, toll houses, weighing scales, offices, &c. Power to make regulations.

regulations, as they may deem reasonable, from time to time, provided said forfeitures shall in no one case exceed the sum of twenty-five dollars.

Alteration of
roads.

XXI. *And be it further enacted*, That in all cases in which it shall be deemed necessary by the principal engineer, in laying out the line of the Erie and Champlain canals, or any work connected therewith, to discontinue or alter any part of a public road or highway, on account of its interfering with a proper location or construction of either of said canals, such engineer shall be authorised to make such discontinuance or alteration, and upon his drawing up, in writing and figures, a true description of all such parts of any public road or highway as he may discontinue and new lay on the account aforesaid, and filing the same in the clerk's office of the town in which such discontinuance and alteration may be situated, the same shall be lawful: *Provided however*, That the canal commissioners shall, before they obstruct the passage on any part of a highway now legally established, open and reasonably work, in order to render it passable, such part of said highway as may be new laid by said engineer as aforesaid; and the certificate of said engineer, in writing, that the part of any highway new laid as aforesaid, is opened and reasonably worked as aforesaid, by said canal commissioners, shall be sufficient for their justification; and that any alteration heretofore made by any engineer, in any public road or highway, on either of the said canals, shall, from the time of such alteration, be deemed lawful to all intents and purposes.

Proviso.

Engineers,
not to be taken by war-
rant.

XXII. *And be it further enacted*, That no acting commissioner, or principal or assistant engineer, employed on either of the said canals, shall be liable to be taken by warrant in any civil suit, arising out of or connected with their official duties; any law to the contrary notwithstanding; but that such persons may be proceeded against by summons in all cases.

Penalties under this act
how sued for.

XXIII. *And be it further enacted*, That all penalties and forfeitures created by this act, the recovery of which is not otherwise herein specially provided for, may be sued for and recovered before any justice of the peace, in any county where such penalty or forfeiture shall accrue, in the name of either of the canal commissioners, principal engineers, or any collector of toll duly appointed by said commissioners, who are hereby respectively authorised to sue for and recover the same; and the amount of such penalties and forfeitures, when recovered, shall be paid over or accounted for to the commissioners of the canal fund.

CHAP. CCIII.

AN ACT relative to the Greenfield Turnpike Road Company,
and for other purposes.

Passed April 13, 1820.

Part of road
may be abandoned.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall be lawful for the president, directors and company of the Greenfield turnpike road, to abandon that part of the said road lying south of Daniel

Millers, in the town of Greenville, in the county of Greene ; and that such part of the said turnpike road shall be and remain a public highway ; and the commissioners of highways of the said town of Greenville, are hereby authorized and required to erect or divide the same into one or more road districts, and to assess the inhabitants living thereon, to work the same, agreeable to the provisions of the act entitled " an act to regulate highways."

II. *And be it further enacted*, That it shall be lawful for the said president, directors and company, to erect in lieu of the two half toll gates now authorised by law, one full toll gate on the said road, at the place where the toll house now stands, near the house of Jared Reynolds, in the town of Westerlo, and to demand and receive double the sums respectively allowed to be demanded and received as tolls at the said half toll gates ; that in addition to the several persons already exempt from paying toll at the said gate, no toll shall be demanded or received from any person residing within one mile of the said gate ; and that any person coming on the said turnpike, within one mile of the said gate, and passing through the gate, shall pay but half toll. Toll increased.

III. *And be it further enacted*, That the day for choosing directors of the said company, shall be on the first Tuesday of May, in each and every year hereafter, and that notice of the first meeting of said company, to be held by virtue of this act, shall be given by the president of said company (heretofore last elected) by an advertisement to be put up in three of the most public places in each of the towns of Rensselaerville and Westerlo, setting forth the place and time of the day that said election will be held, and that the officers of said company elected by virtue of this act shall hold their respective offices for one year, and until others are elected in their places. Elections.

IV. *And be it further enacted*, That the president, directors and company, shall have two years to put the said road in good and sufficient repair, from the passing of this act, except the bridges, and no longer than the first day of December next, is to be allowed for the completion. Time for putting road in order.

Whereas doubts exist as to the true construction of many of the acts incorporating turnpike companies, respecting their rights and authority to receive toll upon one horse waggons : To remove such doubts, Recital.

V. *Be it further enacted and declared*, That it shall and may be lawful to receive at every full toll gate for passing the same, for every waggon drawn by one horse, six cents, and at every half toll gate three cents. Toll on one horse waggons.

CHAP. CCIV.

AN ACT for the relief of William Sweet and George Hoag.

Passed April 13, 1820.

Preamble.

WHEREAS it has been represented to the legislature, by William Sweet, of the town of Berlin, in the county of Rensselaer, that a part of his farm, lying in the town of Petersburg, adjoining the said town of Berlin, has been taxed by the said town of Petersburg; and the said tax, together with certain costs and charges, amounting in the whole to twenty dollars and eighty cents have been levied and collected from the said Sweet, by the collector of the said town of Petersburg: Therefore,

204. 60 cts.
payable to W.
Sweet.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for the supervisors of the county of Rensselaer, and they are hereby required, at their next annual meeting, to raise by tax, on the freeholders and inhabitants of the said town of Petersburg, the sum of twenty dollars and eighty cents, which said sum shall be levied and collected in the same manner as other town and county charges are levied and collected, and shall be paid over by the collector of the town of Petersburg, to the said William Sweet, who shall give a receipt to the collector for the same.

204. 70 cts.
to G. Hoag.

II. *And be it further enacted*, That the said supervisors are hereby further required at their next annual meeting, to raise by tax on the freeholders and inhabitants of the town of Schodack, in manner aforesaid, the sum of fourteen dollars and seventy cents, which said sum the collector of the town of Schodack shall collect and pay over to George Hoag, (who shall give his receipt for the same,) to satisfy him for a tax of like amount illegally collected from the said George Hoag, by the said town of Schodack.

CHAP. CCV.

AN ACT for the relief of George Fols.

Passed April 13, 1820.

Land-office
to issue pa-
tent to Geo.
Fols.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the commissioners of the land-office be and they are hereby authorised and required to grant by letters patent, to George Fols, the fifty acres of land on lot number fifty-six, of the original division of the township of Manlius, with which the said George has been charged on the books of the comptroller, and on which he has paid the amount due.

CHAP. CCVI.

AN ACT in addition to the Act, entitled "*An Act to amend an act, entitled An act relative to District Attornies,*" passed April 21, 1818.

Passed April 13, 1820.

I. *BE it enacted by the People of the State of New-York,* Duty of district attornies to account. *represented in Senate and Assembly,* That it shall be the duty of the several district attornies within this state, on or before the first Tuesday of October, in each and every year, to account on oath with and pay over to the treasurer of the county, all monies they shall receive in the execution of their office, for fines or forfeited recognizances.

II. *And be it further enacted,* That it shall be the duty of the judges, justices of the peace, sheriffs, constables, and all other officers of justice, when they shall pay over to the district attorney any monies for fines, or forfeited recognizances, to take duplicate receipts for the same, one of which they shall cause to be filed with the treasurer of the county.

III. *And be it further enacted,* That whenever any district attorney shall refuse or neglect to account for, and pay over, the monies he shall have received, in the execution of his said office, it shall be the duty of the treasurer of the county to prosecute for the same, in any court having cognizance thereof.

CHAP. CCVII.

AN ACT to repeal in part an Act to prevent the destruction of Fish, in the towns of Kinderhook and Chatham, in the county of Columbia, passed March 19, 1818.

Passed April 13, 1820.

BE it enacted by the People of the state of New-York, Part of an act repealed *represented in Senate and Assembly,* That so much of the act aforesaid as relates to the Little Lake, in the town of Kinderhook, be and the same is hereby repealed, so far as the same goes to prevent the catching of fish with hooks and lines.

CHAP. CCVIII.

AN ACT for the relief of Richard Platt.

Passed April 13, 1820.

BE it enacted by the People of the State of New-York, Duty of attorney-general. *represented in Senate and Assembly,* That it shall and may be lawful for the attorney-general to discontinue any suit which the people of the state may have against Richard Platt, in relation to his accounts as commissary or assistant commissary of this state.

CHAP. CCIX.

AN ACT to establish an additional Term of the Court of General Sessions of the Peace in the county of Rensselaer.

Passed April 13, 1820.

*Last Monday
of May court
held.*

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That hereafter there shall be an additional term of the court of general sessions of the peace, held in and for the county of Rensselaer, at the court-house of said county, on the last Monday of May in each and every year ; which additional term of said court may be held for the same length of time that the May term of the court of common pleas of said county may by law be held.

CHAP. CCX.

AN ACT for the relief of William Cannaday.

Passed April 13, 1820.

Preamble.

WHEREAS it is represented by and in the behalf of William Cannaday, late collector of the town of Middleburgh, in the county of Schoharie, that by causes unforeseen and insurmountable, he was unable to complete the collection of the taxes in said town, imposed in the year of our Lord one thousand eight hundred and nineteen, within the time prescribed by law, but that he promptly obtained the money, and advanced it in the place of the money he was required to collect, and has prayed authority by law to enable him to collect the residue of said tax, to indemnify him for the money so as aforesaid advanced : Therefore,

*Power given
to W. Cannaday.*

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for William Cannaday, late collector of the town of Middleburgh, in the county of Schoharie, and he is hereby declared to be vested with full power and authority, to use and exercise all the rights, powers, and privileges, subject to the same rules and regulations in relation to the office of collector as aforesaid, which he as such collector might by law have done, previous to the first day of February last, until the first day of July next, to enable the said William Cannaday to enforce the collection of the taxes imposed in the year of our Lord one thousand eight hundred and nineteen, which remain unpaid in the said town of Middleburgh, and upon satisfying all lawful claims that may be made upon him as such collector, to retain the money that may remain over to his own use and benefit.

CHAP. CCXI.

AN ACT for the relief of the President, Directors and Company of the Chatham Turnpike Road.

Passed April 13, 1820.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the president, directors and company of the Chatham turnpike road, to execute under their seal, a release to the people of this state, of all their right and title in and to the road described in their act of incorporation, passed April 10th, one thousand eight hundred and four, and to cause such release to be entered of record, in the book of deeds kept by the clerk of the county of Columbia; and that from and immediately after the entry of such release of record, the said president, directors and company shall be released from all responsibility and liability to keep the said road so released, in good order and repair; and that the said road so released, shall thenceforth be deemed and considered a public highway, to be kept in repair, and subject to such regulations and alterations as the other highways within this state.

Part of road abandoned.

CHAP. CCXII.

AN ACT to divide the town of Ischua, in the county of Cattaraugus, into four Towns.

Passed April 13, 1820.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That from and after the first Monday in March next, all that part of the town of Ischua, known and distinguished as townships number four, five and six, in the sixth range of townships of the Holland land company, be and the same is hereby erected into a separate town, by the name of Ellicottville; and the first town meeting shall be held at the now dwelling-house of Baker Leonard, in said town, on the first Tuesday of March next.

Town of Ellicottville erected.

II. *And be it further enacted,* That all that part of the town of Ischua, known and distinguished as townships number five and six, in the fifth range of townships, and all that part of the seventh township in the fifth range of townships, lying south of the Cattaraugus creek, be and the same is hereby erected into a separate town, by the name of Yorkshire; and the first town meeting shall be held at the house of Robert Steele, in said town, on the first Tuesday of March next.

And of Yorkshire.

III. *And be it further enacted,* That all that part of the town of Ischua, known and distinguished as townships number six, in the third and fourth ranges of townships, be and the same is hereby erected into a separate town, by the name of Freedom; and the first town meeting shall be held at the now dwelling-house of Gilbert Hinkley, in said town, on the first Tuesday of March next.

And of Freedom.

Remainder
Ischua.

IV. *And be it further enacted*, That all the remaining part of the town of Ischua, shall be and remain a separate town by the name of Ischua ; and the first town meeting in said town, shall be held at the now dwelling-house of Joseph McClure, on the first Tuesday of March next.

Town meet-
ing and poor.

V. *And be it further enacted*, That the annual town meetings in said towns of Ischua, Ellicottville, Yorkshire, and Freedom, shall be held on the first Tuesday of March in each and every year ; and that as soon as may be after the first town meetings in said towns, their supervisors and overseers of the poor, on notice being first given by the said supervisors for that purpose, shall meet together, and divide the money and apportion the poor belonging to the town of Ischua previous to the division thereof, agreeable to the last tax lists, and that each of said towns shall for ever thereafter respectively support its own poor.

CHAP. CCXIII.

AN ACT for the relief of Calvin Rich and others.

Passed April 13, 1820.

Ensemble.

WHEREAS it satisfactorily appears that Calvin Rich, Johannea Hott, Peter G. Mann, Peter Bouck, Christian Brown, junior, John Jost Bellinger, John M. Brown, John Bellinger, Jacob Mann, junior, and William Coonradt, of the county of Schoharie, did in May, in the year one thousand eight hundred and fourteen, pay to Jeremiah Brown, then being a commissioner for loaning money in the county aforesaid, pursuant to an act of the legislature of this state, passed April 11th, 1808, the interest of the money by them respectively loaned, and unpaid for the term of one year ; and the said Jacob Mann, junior, at the same time also paid over and above the interest aforesaid, the sum of thirty-five dollars, in part satisfaction of the principal sum loaned, and took the said Brown's receipt therefor, who omitted to place the money so paid to their respective credits, as by the said act he was required, by which omission the said several mortgagors were obliged again to pay the said several sums of money to the successors in office of the said Brown, who then was and still is insolvent, by which the several above named mortgagors are sufferers and remediless, without legislative aid, while the state has its remedy over upon the sureties of the said Brown, and the several above named mortgagors have, by petition, prayed relief : Therefore,

Monies pay-
able to C.
Rich, J.
Mann, Wm.
Coonradt, and
others,

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the comptroller of this state be and he is hereby authorized and required to draw his several warrants upon the treasurer of this state in favour of Calvin Rich, for the sum of forty-nine dollars and seventy cents ; and to Jacob Mann, junior, the sum of sixty-five dollars and thirty cents ; in favour of William Coonradt, for the sum of seven dollars and fifty-five cents ; and in favour of John Bellinger, Johannea Hott, Peter G. Mann, Peter Bouck, Christian Brown, junior, John Jost Bellinger, and John M. Brown, for the sum of fifteen dollars and

sixty cents each, or provided either of the said persons be dead, in favour of the executors or administrators of such person or persons deceased : *Provide.* That before the drawing of any warrant in behalf of such executors or administrators, it shall be the duty of the comptroller to require from every person so applying for such warrant satisfactory evidence of such applicant's right under this act, as such executor or administrator ; and it shall be the duty of the treasurer to pay the several sums herein before mentioned, as specified upon the presentation of a warrant for that purpose as above directed, to each of the persons presenting the same.

CHAP. CCXIV.

AN ACT to amend the Act, entitled " *An Act to perpetuate the Testimony of Witnesses in certain cases.*

Passed April 13, 1820.

BE it enacted by the People of the State of New-York, re- Powers of
masters in
chancery
and first jud-
ges.
presented in Senate and Assembly, That the masters in chancery, and the first judges of the several courts of common pleas in this state, be and they are hereby authorized to take the deposition of witnesses under the act, entitled " *An act to perpetuate the testimony of witnesses in certain cases,*" and to perform all other duties that judges of the supreme court are authorized to do under the said act, any thing in the said act, or the act, entitled " *An act authorising the appointment of commissioners to take the acknowledgment of deeds and special bail ; to take affidavits to be read in courts of record, and to restrict the number of masters in chancery,*" to the contrary notwithstanding.

CHAP. CCXV.

AN ACT to incorporate the *Presbyterian Theological Seminary, established by the Synod of Geneva, at Auburn, in the County of Cayuga.*

Passed April 14, 1820.

WHEREAS it has been represented to this legislature, by the committee appointed by, and on behalf of the said Synod, that they have established a theological seminary at Auburn, in the county of Cayuga, for the purpose of completing the education of pious young men, for the gospel ministry, and have obtained funds to a considerable amount ; and that an act of incorporation would better enable them to obtain and manage the necessary funds for the accomplishment of their benevolent object : Therefore,

I. BE it enacted by the People of the State of New-York, Corporation
created.
represented in Senate and Assembly, That John Linklaen, Glen Cuyler, Henry Davis, David Hyde, Thaddens Edwards, Henry M'Niel, Levi Parsons, Benjamin B. Stockton, Dirck C. Lansing, William Wisner, Henry Axtel, Ebenezer Fitch, David Higgins,

Style and general powers.

Seth Smith and William Brown, and their successors, to be appointed as herein after is provided, shall be, and hereby are constituted a body corporate and politic, in fact and in name, by the name of "the trustees of the theological seminary of Auburn, in the state of New-York," and by that name shall have succession, and be in law capable of suing and being sued, defending and being defended in all courts and places, and in all manner of actions, suits and causes whatsoever, and may have a common seal, and change the same at pleasure, and by that name and style be capable in law of taking, purchasing, holding and conveying, both in law and equity, any estate real or personal: *Provided nevertheless*, That the clear annual value or income of their real estate shall not exceed three thousand dollars, and that of their personal estate seven thousand dollars.

Trustees.

Vacancies.

11. *And be it further enacted*, That there shall forever hereafter be fifteen trustees of the said corporation, who shall be divided into three classes, to be number one, two and three; the places of the first class shall become vacant on the first Wednesday of September, in the year eighteen hundred and twenty-one; the places of the second class in one year thereafter, and the places of the third class in one year from that time; and the vacancies in the said several classes, occasioned by the expiration of the time of service as aforesaid, or by resignation, death or otherwise, shall be from time to time filled up in the manner herein after mentioned and provided.

Power & duty of trustees.

111. *And be it further enacted*, That the said trustees and their successors shall have the immediate care of the said seminary, and the management of the estate, both real and personal, of the said institution, and shall have power to sell and otherwise dispose of the same, for the purpose of benefiting the funds of the said institution, and of applying the avails of those funds from time to time, to the purposes of the said institution, in such way and manner only, and in such sums as shall be appointed and directed by the board of commissioners herein after mentioned, and shall have power to make necessary by-laws and ordinances for the management of the said seminary: *Provided*, That the same be not inconsistent with the laws and constitution of this state, or of the United States: And further, it shall be the duty of the said trustees to keep a record, and make an annual report to the said board of commissioners of their doings, and of the state of their funds, and of the names of those whose term of service is about to expire, and of such other matters as they shall think proper; and also to report the state of their funds to the legislature, as often as they shall be thereunto required: *Provided however*, That no student of any christian denomination shall be excluded from a participation in the privileges of this institution, on the ground of his religious persuasion.

Provide.

First trustees.

IV. *And be it further enacted*, That the aforesaid John Linklaen, Glen Cuyler, Henry Davis, David Hyde, Thaddeus Edwards, Henry M'Niel, Levi Parsons, Benjamin B. Stockton, Dirck C. Lausing, William Wisner, Henry Axtel, Ebenezer Fitch, David Higgins, Seth Smith and William Brown be the first trustees of the said corporation, and that they shall hold their first meeting at

Lynch's inn, in the village of Auburn, on the second Wednesday of July next, when they shall proceed to divide themselves by lot into three classes as aforesaid.

And whereas the said committee on behalf of the said Synod, Recital, have further represented that there are other presbyteries within the state of New-York, not connected with the said Synod, who are disposed to associate with them, for the purpose of aiding in the accomplishment of the aforesaid benevolent object: Therefore,

V. *Be it further enacted*, That a representation annually to be chosen of two clergymen and one layman from each of the following presbyteries (and such other presbyteries as shall hereafter associate with the said Synod for the purpose aforesaid,) to wit: The presbyteries of Niagara, Genesee, Rochester, Bath, Ontario, Geneva, Cayuga, Onondaga, Oneida and St. Lawrence, shall compose a board of commissioners, who shall have the general superintendence, management and control of the aforesaid institution, and who shall have authority to fill the places of the aforesaid trustees, as they shall become vacant; to appoint the tutors, professors and other officers of the said institution; to fix and determine the salary and other compensation of the said officers; to authorise and direct all such appropriations of their funds, as they shall think proper; to make by-laws and regulations for themselves; to choose their own president and other officers, and to determine what number of their board shall form a quorum for doing business. Certain presbyteries to be represented and to compose a board of commissioners, &c.

VI. *And be it further enacted*, That the first meeting of said board of commissioners, shall be held at Lynch's inn, in the village of Auburn, on the second Wednesday of July next, at two o'clock in the afternoon; and that the said board of commissioners shall meet afterwards on their own adjournment. Their first & subsequent meetings.

VII. *And be it further enacted*, That in case the funds of the aforesaid institution shall at any time hereafter, be applied to any purpose other than what is hereby expressed or intended, then, and in that case all the privileges and powers hereby granted shall cease and be utterly void. Funds how to be applied.

VIII. *And be it further enacted*, That this act shall be, and hereby is declared to be a public act, and that the same shall be construed benignly and favourably for every beneficial purpose hereby intended; nor shall any non-user of the privileges hereby granted to the said corporation, create or produce any forfeiture of the same; and no misnomer of the said corporation, in any deed, will, testament, gift, grant, demise or other instrument, contract or conveyance, shall defeat or vitiate the same: *Provided*, The said corporation shall be sufficiently described to ascertain the intention of the parties. Public act.

IX. *And be it further enacted*, That the legislature may at any time hereafter, amend, modify or repeal this act. Right reserved.

CHAP. CCXVI.

AN ACT to alter the place of holding the October term of the Supreme Court, and for other purposes.

Passed April 14, 1820.

I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the October term of the supreme court shall hereafter be held at the academy, in the town of Utica, in the county of Oneida, instead of the city-hall of the city of New-York; and that the clerk of the said court, residing in the said town of Utica, shall attend the said term, and do and perform all the duties which the clerk of the said court in the city of New-York is now by law authorised and required to perform during such term; and the sheriff of the county of Oneida shall be required to attend the said term, by himself and deputies, in the same manner, and to discharge the same duties now imposed by law on the sheriff of the city and county of Albany, during the terms of the said court in the city of Albany.

Process returnable at Utica.

*II. And be it further enacted, That from and after the first day of September next, the sheriffs and coroners of the several counties composing the western district of this state, the counties of Chenango, Herkimer, Lewis, Jefferson and St. Lawrence, shall return all process to the office of the clerk of the said court, in Utica; that the sheriffs and coroners of the remaining counties in the eastern district, and of all the counties except Orange and Sullivan, in the middle district, shall return such process to the office of the clerk of the said court in Albany; and that the sheriffs and coroners of the counties of Orange and Sullivan, and of the several counties composing the southern district of this state, shall return such process to the office of the clerk of the said court in the city of New-York; and that no return made by any sheriff or coroner of any such process, to any other office than that required by this act, shall be deemed sufficient to excuse such officer from the pains and penalties for a neglect to make returns according to law, and the rules of the said court: *Provided, That nothing in this section contained shall be deemed to apply to process of attachment, or to writs of habeas corpus, but such shall be returned at the times and in the manner now prescribed by law.**

Provide.

CHAP. CCXVII.

AN ACT to authorise the respective Towns in this State to regulate the fees to be allowed to the Collectors of Taxes for the said Towns.

Passed April 14, 1820.

Towns may regulate allowance to collectors of taxes.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the electors of the respective towns in this state, at their annual town meetings, to determine by vote of said meeting, the amount

of compensation to be allowed to the collectors of taxes for their respective towns, which compensation shall in no case be less than three nor more than five per cent. any law to the contrary notwithstanding : *Provided however*, That in case the rate of compensation now allowed by law shall be reduced by vote of said meeting, it shall be optional in the collector or collectors to accept of his or their said offices, or to decline the same, any law to the contrary notwithstanding.

CHAP. CCXVIII.

AN ACT to authorise the sale of certain Real Estate whereof Anthony A. Rutgers, deceased, died seised.

Passed April 14, 1820.

WHEREAS by an act of the legislature of this state, entitled *Preamble.* "An act to authorise the sale of certain real estate whereof Anthony A. Rutgers died seised," passed 15th April, 1814, it was enacted that Jonathan Rhea, of Trenton, in the state of New-Jersey, be and he was thereby authorised and empowered to sell and dispose of all the lands and real estate in the counties of Ulster and Rensselaer, in this state, whereof the said Anthony A. Rutgers died seised, and which then remained unsold, and to make and execute proper conveyances to vest the same and the whole estate and interest of the said Anthony A. Rutgers therein at the time of his death, in the purchaser or purchasers thereof, as fully and effectually to all intents and purposes, as the executors of the said Anthony A. Rutgers might or could have done, were they all living and capable of acting therein : *And whereas* it is represented to this legislature, by Oren Clark and others, that about one year after the passing of the said act, the said Jonathan Rhea died, not having done any thing in the premises, by or under the authority of the act aforesaid, and praying that a law may be passed authorising and empowering David A. Miller, of Mount-Morris, in the county of Genesee, and Lansing B. Mizner, of Geneva, in the county of Ontario, to sell and dispose of the said lands, in the same manner; and under the same limitations, conditions and restrictions, as are mentioned and contained in said recited act : Therefore,

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That David A. Miller, of the county of Genesee, and Lansing B. Mizner, of the county of Ontario, be and they are hereby authorised and empowered to sell and dispose of all the land and real estate whereof the said Anthony A. Rutgers died seised, and which now remains unsold, in the same manner and for the like purpose, under the same duties, restrictions, conditions, limitations, and with like securities, as the said Jonathan Rhea was subject to, in and by the before recited act.

CHAP. CCXIX.

AN ACT to amend an Act, entitled "*An Act relative to District Attornies,*" passed April 21st, 1818.

Passed April 14, 1820.

Power of
courts in the
absence of
the first
judge.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be lawful for the different courts of common pleas of the several counties of this state, to exercise the power conferred on them on the subject of the collection and remission of fines, in the absence of the first judge of the said courts, any thing in the eighth section of the act hereby amended to the contrary notwithstanding.

CHAP. CCXX.

AN ACT for the relief of *County Treasurers within this state.*

Passed April 14, 1820.

Comptroller
to receive
certain re-
turns.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be lawful for the comptroller of this state to receive the returns of all such arrears of taxes of the year one thousand eight hundred and eighteen, as were not returned to his office from any of the county treasurers in this state, who may have omitted to make such returns within the time limited by law: *Provided,* the same shall be returned to his office by the 15th day of May next, any law to the contrary notwithstanding.

CHAP. CCXXI.

AN ACT for the relief of *David Hows.*

Passed April 14, 1820.

1184. 12c. to
D. Hows.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the treasurer of this state is hereby directed to pay, on the warrant of the comptroller, to David Hows, one hundred and fifteen dollars and twelve and an half cents, for the loss of certain armorers tools belonging to him, and when employed by the state commissary of military stores.

CHAP. CCXXII.

AN ACT to amend the Act, entitled "*An Act to reduce several laws relating particularly to the city of New-York into one act,*" so far as it relates to the importation of Passengers.

Passed April 14, 1820.

I. *BE it enacted by the People of the State of New-York, re-* Masters of vessels, &c. to report.
presented in Senate and Assembly, That every master or commander of any ship or other vessel, arriving at the port of New-York, which by the laws of the United States, as they existed on the 9th April, 1813, were bound to enter at the custom-house in said port, shall, notwithstanding the repeal, modification, or alteration of the laws of the United States, since the said period, in regard to the entry of vessels at the custom-house, and whether such ships or vessels shall be entered at the custom-house or not, be bound to make report of their passengers, to all intents and purposes according to the provisions of the two hundred and fifty-first section of the act hereby amended, and under the penalties therein contained.

II. *And be it further enacted,* That the owner or consignee of Liability of owners, &c.
any such ship or vessel, shall be subject to the like penalties and forfeitures with the master or commander thereof, for any violation of the provisions of said act by the said master or commander.

III. *And be it further enacted,* That every alien who shall enter Aliens to report themselves.
the said city, with the intention of residing therein, shall, within twenty-four hours thereafter, make a report of himself in writing, on oath, to the mayor, or in case of his sickness or absence, to the recorder of the said city, stating his name, age, and occupation, the name of the ship or vessel in which he arrived, the time and place when and where he landed, and the name of the commander of such ship or vessel, under the penalty of one hundred dollars.

IV. *And be it further enacted,* That the penalties hereby im- Penalties how applied.
posed shall be sued for, recovered, and appropriated in the manner prescribed in and by the two hundred and fifty-fifth section of the act hereby amended.

CHAP. CCXXIII.

AN ACT in addition to the several Acts relating to the Salt Springs in the county of Onondaga.

Passed April 14, 1820.

I. *BE it enacted by the People of the State of New-York, re-* Certain act declared to be offences.
presented in Senate and Assembly, That if any person or persons not duly authorised, shall, under any pretence whatever, receive the duties upon any salt manufactured, or to be manufactured in the western district of this state, or if any person or persons shall convey or transport, or cause to be conveyed or transported, from any place, where salt is manufactured, in the western district of this state, any salt upon which the duties have not been paid, the

person or persons offending, their aiders and abettors, shall severally forfeit and pay, for each and every bushel of salt upon which they shall receive the duties, or which they shall convey or transport, or cause to be conveyed or transported, before the duties shall have been paid, five dollars, to be sued for and recovered, with costs of suit, before any justice of the peace or court having cognizance thereof, in the name of the people of this state, the one half of which forfeiture, when received, shall be to the use of the said people, and the other half to the use of the person who shall give information to the superintendent of the salt springs, or either of his deputies, of the offence for which any such recovery shall be had : *Provided*, That nothing herein contained shall be construed to prevent any person from removing salt from the place where it is manufactured, to the office or place where the superintendent of the salt springs, or his deputies, usually inspect salt, or to any place of storage within the village where the same is manufactured.

Proviso.

Duties on salt.

II. *And be it further enacted*, That it shall and may be lawful for the superintendent of the salt springs, or his deputies, to inspect and receive the duties on any part of a bushel of salt, at and after the rate of twelve and a half cents a bushel.

CHAP. CCXXIV.

AN ACT for the relief of certain School Districts.

Passed April 14, 1820.

Annual district report.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the commissioners of common schools, in any town in which the annual town meeting is by law to be held before the first Tuesday of April, to receive from the trustees of any school district in their town, the annual district report for the present year, made at any time before the said first Tuesday in April, and to act thereon in the distribution of school money, in the same manner as if such report had been made on or before the day appointed by law for the annual town meeting in such town, any thing in the act entitled "an act for the support of common schools," passed April 12th, 1819, to the contrary notwithstanding.

CHAP. CCXXV.

AN ACT for building a Toll Bridge over the Genesee River, at the Village of Rochesterville, in the County of Genesee.

Passed April 14, 1820.

S. T. Andrews authorised to build a bridge &c.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Samuel I. Andrews, his heirs and assigns, be, and are hereby authorised and empowered, at his and their own expense, to build a toll bridge over the Genesee river, at the village of Rochesterville, in the county of Gene-

see, and at, or near a point within twenty rods above the falls of the said river at said village; said bridge to be not less than twenty-two feet in width, and to be covered with plank not less than three inches thick, so as to be secure for the passage of horses and carriages: And it shall be lawful for the said Samuel I. Andrews, his heirs and assigns, to ask, demand and take, for the use of the said bridge, a toll not exceeding the following rates, to wit; for every four wheeled pleasure carriage with two horses, twenty-five cents, and for every additional horse in such carriage, six cents; for every two wheeled pleasure carriage with one horse, twelve and an half cents, and for every additional horse, six cents; for every stage waggon, with four horses, twenty-five cents; for every cart, waggon, sleigh or sled, with two horses, or other beasts, twelve and an half cents, and for every additional horse or other beast, six cents; for every cart, waggon, sleigh or sled, with one horse or other beast, nine cents; for every score of neat cattle, horses, mules or asses, thirty cents, and so in proportion for a greater or less number; for every score of sheep or hogs, ten cents, and so in proportion for a greater or less number; for every man and horse, six cents; for every footman or single passenger, three cents; and if the said bridge so to be built, shall at any time thereafter, and during the time hereinafter mentioned, be carried away, thrown down or destroyed by a freshet or other unavoidable accident, the said Samuel I. Andrews, his heirs or assigns, shall be allowed one year from the time of such casualty, to rebuild the said bridge, according to the dimensions aforesaid: *Provided*, That after the expiration of twenty years from the passing of this act, the said bridge shall be, and is hereby declared to be a public bridge, and free of toll; and it shall be the duty of the said Samuel I. Andrews, his heirs or assigns, to leave the said bridge in good repair at the expiration of the said time: *And provided further*, That in case said bridge shall be destroyed, and not rebuilt within the time herein before provided for such purpose, this act and the grant therein contained, shall therefrom cease and determine; and provided also, that the legislature may from time to time, pass such other laws in relation to the said bridge for the more effectually keeping the same in good order and repair, as to them shall seem proper.

Toll.

Provision if bridge be destroyed.

Proviso.]

Further proviso.

II. *And be it further enacted*, That when the said bridge shall be completed, it shall be the duty of the proprietors thereof to make a report of the expense of building said bridge, on the oath of the said Samuel I. Andrews, his heirs or assigns, that the same is just and true, according to the best of his or their knowledge and belief, and shall file the same in the office of the clerk of the county of Genesee, and shall also file a copy thereof in the office of the clerk of the county of Ontario.

Report to be made.

III. *And be it further enacted*, That in case the aforesaid bridge shall not be erected, built and completed within two years from the passing of this act, then and in that case, the privilege hereby granted to the said Samuel I. Andrews, his heirs and assigns, shall cease and be utterly void, any thing herein contained to the contrary notwithstanding.

Act when to cease.

IV. *And be it further enacted*, That if any person or persons shall dig down, remove, reduce or take away any part of the banks

Certain acts prohibited.

of the said Genesee river, at or near the bridge authorised to be built by this act, so as to endanger or destroy the said bridge, or any part thereof, or shall wilfully do or cause to be done, any act whatsoever, whereby the said bridge, or any thing appertaining to the same, shall be impaired, weakened or injured, the person or persons so offending, shall forfeit and pay to the said Samuel I. Andrews, his heirs or assigns, treble the amount of the damages sustained by the means of such offence or injury, with costs of suit, to be recovered in any court of record having cognizance thereof.

Penalty for
hindrance.

V. *And be it further enacted*, That if any person shall be unreasonably hindered, prevented or detained in passing over the said bridge, the said Samuel I. Andrews, his heirs or assigns, and the toll-gatherer, or either of them, shall be liable to pay to the person so injured a sum not exceeding five dollars, to be sued for and recovered, with costs, in any court having cognizance thereof: *Provided*, such hindrance or detention be occasioned by any wilful act, omission or neglect of the said Samuel I. Andrews, his heirs or assigns.

Not to drive
fast, &c.

VI. *And be it further enacted*, That in crossing said bridge with carriages, horses or cattle, the same shall not be rode or driven at a faster rate than on a walk, under a penalty of one dollar, to be paid by the persons respectively riding or driving the same, to be recovered, with costs, before any justice of the peace of either of the counties of Ontario or Genesee, in the name of the said Samuel I. Andrews, his heirs or assigns.

Rights reserved to Oneida and Genesee.

VII. *And be it further enacted and provided*, That it shall and may be lawful for the supervisors of the said counties of Ontario and Genesee, or for the supervisors of either of the said counties, at any time after the said bridge shall be completed, and the report of the expense thereof filed as aforesaid, to pay the amount thereof, with interest, at the rate of seven per cent. per annum, from the time of filing said report, to the said Samuel I. Andrews, his heirs or assigns; and on the payment, or tender of payment thereof, the said bridge shall be, and is hereby declared to be a public bridge, free of toll.

Public act.

VIII. *And be it further enacted*, That this act shall be, and is hereby declared to be a public act, and shall be benignly and favourably construed for all the beneficial purposes therein intended.

CHAP. CCXXVI.

AN ACT to divide the Town of Olean, in the County of Cattaraugus.

Passed April 14, 1820.

Town of
Hinsdale
erected.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That from and after the last day of February next, all that part of the town of Olean, lying

north of an east and west line through the center of the second townships, in the second and third ranges of townships, shall be known and distinguished as a separate town, by the name of Hinsdale; and the first town meetings shall be held on the first Tuesday of March next, at such place as the justices of the peace of the present town of Olean shall designate by a written notice, to be put up at four of the most public places in said town, at least ten days previous to the said first Tuesday of March.

II. *And be it further enacted*, That all the remaining part of the town of Olean, shall be and remain a separate town, by the name of Olean; and the first town meeting shall be held at the house of Sylvanus Russell, in the village of Hamilton, in said town, on the first Tuesday of March next. Remaining part to be called Olean.

III. *And be it further enacted*, That as soon as may be after the first Tuesday of March next, the supervisors and overseers of the poor of the town of Olean and Hinsdale, upon notice to be previously given by the supervisors for that purpose, shall meet and divide the poor and money belonging to the said town of Olean, previous to the division thereof, agreeable to the last tax list; and that each of the said towns shall forever thereafter, respectively support their own poor; and that the annual town meetings in said towns of Olean and Hinsdale, shall be held on the first Tuesday of March in each and every year, and that all such town officers whose duty it is to meet on the last Tuesday of March, shall meet on the last Tuesday of February, to do and transact such business as to their respective offices may appertain. Poor & poor monies to be divided.

CHAP. CCXXVII.

AN ACT to authorise the Court of Common Pleas in the County of St. Lawrence, to grant Licences to keep Ferries across the River St. Lawrence, within said County.

Passed April 14, 1820.

- BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the court of common pleas in and for the county of St. Lawrence, in their sessions, to established and regulate as many ferries across the river St. Lawrence, as they may think proper, in the same manner as the courts of common pleas are now authorised by the act to establish and regulate ferries within this state. Certain ferries how established.

CHAP. CCXXVIII.

AN ACT to authorise George Brayton and Henry Wager, Executors of the last Will and Testament of Nicholas Groat, to sell certain Lands held by him for lives, and devised by him to certain Minors.

Passed April 14, 1820.

Certain es-
tate to be sold

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be lawful for George Brayton and Henry Wager, executors of the last will and testament of Nicholas Groat, to sell, and by good and sufficient deed, convey a certain piece of land, situate in the town of Western, in the county of Oneida, bequeathed by the testator's last will to Ephraim Race and Ira Race, minor children of Thomas Race : Provided, That the chancellor shall approve of such sale and conveyance, and shall by order, direct the application and investment of the monies arising from such sale.

CHAP. CCXXIX.

AN ACT to provide against infections and pestilential Diseases.

Passed April 14, 1820.

Board of
health.

Health offi-
cer.
Resident
physician.

Marine hos-
pital.

Duties.

I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That there shall be a board of health in the city of New-York, which board shall consist of such persons as the mayor, aldermen and commonalty of the city of New-York, in common council convened, shall from time to time nominate and appoint, to be members of the said board, and of the commissioners of health herein after mentioned, which said commissioners, and those who from time to time hold that office, shall always be ex-officio members of the said board : That the said commissioner shall be a health officer, who shall perform all the duties required of him by this act, a resident physician, whose duty it shall be to visit all sick persons reported to the board of health, or health commissioners, conformable to the twenty-sixth and twenty-seventh sections of this act ; and a health commissioner whose duty it shall be to take charge of the receipts and disbursements of all monies appropriated to the use of the marine hospital establishment ; for the due performance of which he shall execute a bond to the people of this state, with one or more sureties, in the sum of five thousand dollars, which bond shall be taken and approved by the mayor or recorder of said city : And further, it shall be the duty of the said resident physician and health commissioner, to meet daily at their office, from the thirty-first of May to the first of October, in each year, to transact such business and discharge such duties as shall in virtue of this act particularly belong and be assigned to the said commissioners, distinct from their duties as members of the board of health ; and they shall further perform

all other duties required of them by this act : That the said commissioners shall be appointed by the person administering the government of this state, by and with the advice and consent of the council of appointment : *Provided however*, That the persons heretofore appointed as commissioners aforesaid, may continue in their respective offices until others shall be appointed in their stead : *And provided further*, That it shall be lawful for the mayor, or in his absence, the recorder of the city of New-York, in case of the death or resignation of any of the said commissioners, to appoint a suitable person to supply such vacancy, until the sense of the council of appointment shall be declared thereon : *And farther*, That the said commissioners shall, as soon as conveniently may be after the said thirty-first day of May in each year, and as often as any change in the situation of their office may render it necessary, designate by advertisement, to be published in the newspapers of the city of New-York, employed by the corporation of the said city, the local situation of their said office.

Provide.

II. *And be it further enacted*, That every vessel arriving in the port of New-York, at any time of the year, from any port, island, or other place, in Asia, Africa, the Mediterranean, America, lying south of Georgia, or from any West-India, Bahama, Bermuda, or western island, and all vessels from foreign ports, having on board forty or more passengers, and all vessels on board of which any person shall have been sick or died while at a foreign port, or on the homeward passage, shall proceed to and be anchored at the place assigned for quarantine, and subject to the health officer's examination, and to the regulations herein prescribed, and that any master or commander of a vessel offending in the premises, shall be considered as guilty of a misdemeanor, and on conviction thereof, shall for each offence be fined, by any court having cognizance of the same, in a sum not exceeding two thousand dollars, or imprisoned for a term not exceeding twelve months.

Vessels to be examined.

Penalty.

III. *And be it further enacted*, That every vessel arriving in the port of New-York, from any port or other place in the West-Indies, in Bermuda, in America, south of St. Mary's, in Georgia, and north of the equator, or from any port or place on the continent of Africa, or islands near to the same, between the thirty-first day of May and the thirty-first day of October in any year, shall remain at quarantine, together with their crews and passengers, not less than four days after their arrival, and as much longer as in the opinion of the health officer may be expedient, during which time the said vessel shall be ventilated and cleansed, the clothing and bedding of the crew and passengers washed and aired, when such vessels shall be permitted to proceed by him, they shall not approach within three hundred yards of that part of the island of New-York which lies southward of Bank-street on the North river, and southward of Stuyvesant's dock on the East river, but if their cargoes be in good condition, such cargoes may be brought into the city, subject to the orders and regulations of the commissioners of health, which vessels having been unloaded, and application made to the said health commissioners, they shall send a trusty person to see said vessel and her ballast properly cleansed, for which duty the said person shall be paid by the master or owner.

Quarantine.

New-York, or in the absence of both, the recorder of the said city, whenever he shall have reason to believe that yellow, bilious, malignant, or other pestilential or infectious fever exists at any place, to issue his proclamation, directing that all vessels from such place shall proceed to the quarantine ground, previous to their touching at any wharf or holding any intercourse with the city of New-York, there to be examined by the health officer and put under quarantine, as is herein prescribed, and to prohibit or regulate the intercourse by land and by ferries, between the city and county of New-York, and such infected place or places, and to order and direct that all persons who shall come into the said city, contrary to the prohibitions and regulations in such order or proclamation as aforesaid, shall be apprehended and conveyed to the vessel or place whence they last came, or if sick, conveyed to the marine hospital; and that all persons offending in the premises shall be liable to punishment as for a misdemeanor, by fine and imprisonment, at the discretion of the court having cognizance thereof; and all magistrates, marshals and constables, officers and ministers of justice of the said city and county of New-York, and of this state, and all other the inhabitants of this state, are hereby enjoined and required to be aiding and assisting in the execution and enforcement of the orders and directions of the said proclamation.

Penalty.

Penalties.
Vessels at the
wharves may
be ordered
off.

IX. *And be it further enacted*, That it shall be in the power of the health commissioners, the mayor of the city of New-York, or the board of health, to order to the quarantine ground, or some other place of safety, all vessels that may be at the wharves or in the vicinity of said city, which in the judgment of the said health commissioners, mayor or board of health, may be prejudicial or be dangerous to the public health, or have on board articles suspected to contain infectious matter, whether brought from foreign countries or otherwise, and to cause all persons, articles or things which may have been landed to be arrested and seized, and to be returned forthwith on board such vessel, or removed to the quarantine ground, and no vessel after having obeyed such order shall return to any wharf, pier or slip in the said city, without permission so to do from the board of health; and in case any master, owner or consignee of such vessel, shall refuse or neglect to obey such order, or shall cause such vessel to return as aforesaid, such person so offending shall be considered guilty of a misdemeanor, and shall be fined in a sum not exceeding one thousand dollars, or be imprisoned for a term not exceeding twelve months; and also in case the master, owner or consignee cannot be found, or shall refuse or neglect to obey such orders, the mayor of the city of New-York or the board of health, shall have power to remove as aforesaid such vessel or vessels, at the expense of the master, owner or consignee.

Penalty.

Duration of
quarantine.

Vessels from
other ports in
the U. S.

X. *And be it further enacted*, That quarantine, in all cases where the duration of the same is not specifically described by this act, shall continue for such time as to the health commissioners shall seem proper, and no vessel otherwise subject to quarantine shall be exempted therefrom by reason of her having previously to her arrival at the port of New-York entered into any of the ports of the United States, unless such vessel shall have discharged all her cargo, and been well cleaned, and remained at least twenty

days, after unlading the whole of her cargo, in some one of the afore-said ports, and shall not have received on board the same cargo, or any other cargo, during the said twenty days ; and that every master, commander or consignee of any vessel offending against the provisions of this section, shall be considered guilty of a misdemeanor, and shall for every such offence be fined in a sum not exceeding two thousand dollars, or be imprisoned for a term not exceeding twelve months.

XI. *And be it further enacted*, That no vessel subject to the examination of the health officer, shall approach the city of New-York, beyond the place assigned for quarantine, without a written permit for that purpose, from him ; and that the master or commander of every such vessel, arriving at the city of New-York, shall, within twenty-four hours after such arrival, deliver such permit to the commissioners of health, or to such person as they shall direct ; and every master or commander neglecting or refusing to comply with either of these directions, shall, for every such offence, be considered guilty of a misdemeanor, and on conviction thereof, shall be fined by any court having cognizance thereof, in a sum not exceeding two thousand dollars, or be imprisoned for a term not exceeding twelve months.

Permits.

Penalty.

XII. *And be it further enacted*, That every vessel subject to quarantine, shall be designated by colours fixed in a conspicuous part of the main shrouds of such vessel, and shall there remain until the expiration of her quarantine, and if the master or commander of any such vessel shall not comply with such direction, he shall forfeit for every such offence, the sum of fifty dollars, and the further sum of three dollars for every hour he shall so offend, to be recovered by the health commissioners, with costs, in any action of debt, in their own names, in any court having cognizance thereof.

Colours.

Penalty.

XIII. *And be it further enacted*, That it shall be lawful for the health officer, and he is hereby authorised and required without delay, to enter on board of every vessel coming into the port of New-York, subject to his examination or visitation by this act, and to make strict search, examination and enquiry as to the health of the officers, seamen and passengers, and into the state and condition of the vessel, her cargo and contents, respectively ; and in order that he may be more effectually enabled to make examination and determine how long such vessel shall be detained at quarantine, conformable to this act, it shall be lawful for him to put all such questions to the persons on board, as he may judge needful and proper to that end, and the persons to whom such questions shall be put, may be required to answer the same on oath, which oath he is hereby authorised to administer accordingly, and every person swearing falsely in the premises, shall be liable to the pains and penalties of wilful and corrupt perjury ; or if any person shall oppose or obstruct the health officer in performing the duties required of him by this act, he shall be considered as guilty of a misdemeanor, and shall be fined in a sum not exceeding five hundred dollars, or imprisonment for a time not exceeding three months.

Duty of health officer.

Penalty.

XIV. *And be it further enacted*, That if any person shall go on board, or have any intercourse, communication or dealing with

Intercourse without permission.

coming into the said port, and shall ask and demand of the master or commander of any such vessel, whether any person has died on board, or any person has been sick on the passage, or if any pestilential fever existed amongst the inhabitants of the port whence she sailed, and on being answered in the affirmative to any of the said questions, shall immediately give notice to the master or commander of such vessel, that he and his vessel, crew, passengers and cargo are subject to the examination of the health officer, and shall direct him to proceed and anchor his vessel at the quarantine anchorage, there to remain until he shall receive further directions from the health officer; and all such commanders of vessels are forbid to unload or put on shore or on board of any boat or vessel, any goods, merchandize or freight, or any clothing or bedding, or any person or persons from his vessel until permitted, pursuant to this act; and every master or commander of any vessel who shall give false information, relative to the condition of his vessel, crew, passengers, freight or cargo, or the health of the place or places whence she came, when hailed by any pilot, or shall, notwithstanding being forbid by such pilot, bring his vessel nearer the city than the ground assigned for quarantine, or land any passenger, or unload any of his cargo, shall be considered guilty of a misdemeanor, and on conviction thereof, shall be fined by the court having cognizance of the same, in a sum not exceeding two hundred dollars for each offence; and every passenger or any other person on board such vessel, departing therefrom or unloading any of the cargo thereof, without leave first obtained from the officer aforesaid, shall be considered guilty of a misdemeanor, and be punished, if convicted, in like manner as the master or commander last mentioned.

Penalty.

Further duty of pilots.

XXI. *And be it further enacted*, That it shall be the duty of every pilot who conducts a vessel into the port of New-York, to take care that no violations of this act are committed by any person on board, and if any such are committed and not reported by such pilot to the health officer as soon as may be, such pilot shall be considered guilty of a misdemeanor, and shall be fined in a sum not exceeding two hundred dollars: *And further*, That it shall be the duty of every such pilot to deliver such printed extracts from this act as shall be entrusted to him by the health officer for that purpose, to every master of a vessel piloted by him into the port of New-York; and that every pilot for neglecting or refusing so to do, shall be deemed guilty of a misdemeanor, and punishable as last aforesaid.

Pilots when suspended from office.

XXII. *And be it further enacted*, That upon complaint being made in writing, by one or more of the health commissioners, to the wardens of the port of New-York, charging any pilot with neglect or violation of any of the duties herein prescribed or enjoined upon him, it shall be the duty of the said wardens of the port forthwith to suspend such pilot from piloting any vessel, until he shall have entered into recognizance before one of the justices of the peace for the city and county of New-York, in the sum of two hundred dollars, with sufficient sureties, to answer to the offence wherewith he is charged, at the next general sessions of the peace to be held in the city and county of New-York, which offence the said court is hereby authorised to try and determine, and to

impose such fine as they may deem proper, not exceeding the sum of two hundred dollars ; and it shall be the duty of every pilot who shall conduct any vessel subject to quarantine, into the port of New-York, to bring said vessel to anchor within the buoys marking the quarantine anchorage, and every pilot neglecting or refusing to perform any duties required of him by this act, or permitting any vessel or boat to come along side of such vessel, which such pilot shall have the direction of, or permitting any thing to be thrown into such vessel or boat, shall in addition to the above penalties, forfeit for every such offence the sum of twenty-five dollars, to be recovered by the health commissioners, with costs, in an action of debt, in their own names, in any court having cognizance thereof. Penalty.

XXIII. *And be it further enacted*, That the hospital erected on the easterly part of Staten-Island, shall continue to be denominated the marine hospital, and shall, together with the other buildings and improvements made or to be made thereon by the said commissioners, with the approbation of the person administering the government of this state, or in his absence, the mayor of the said city, and the land adjoining the same and belonging to the people of this state, be holden by the health commissioners in trust for the use of the people of this state, and the purposes specified in this act, and all vessels subject to quarantine shall come to anchor within the buoys, as near as may be to the said hospital, which is hereby declared to be the anchoring place for vessels at quarantine between the fifteenth day of April and the first day of November, and the remainder of the year off the battery in the East or North river ; that the said health officer shall be physician of the said hospital, and the said commissioners shall in other respects have the superintendence thereof, and employ mates, nurses and attendants therefor, and provide bedding, clothing, fuel, provisions, medicine, and such other matters as shall be requisite therein ; and it shall be lawful for them to make reasonable rules and orders for the government and management of the said hospital, and the said commissioners shall also at all times furnish a convenient boat for the use of the health officer, with men sufficient to row the same. Marine hospital.
Anchoring place.

XXIV. *And be it further enacted*, That every diseased person duly landed or sent to the marine hospital, shall be there kept and maintained, until the health officer shall grant him or her a discharge in writing ; and if any such person shall elope, it shall be lawful for the health officer to direct any constable or other person, whom he shall call to his assistance, and they are hereby enjoined and required, to pursue and apprehend the person so eloped, and there again to deliver him or her to be detained until discharged as aforesaid ; and any person so eloping from the marine hospital, or any diseased person in the marine hospital refusing or neglecting to obey the directions of the health officer, and the orders and regulations of the health commissioners, shall be considered as guilty of a misdemeanor, and as such shall be punishable by any court having cognizance thereof. Sick persons in the hospital.
Constables.
Penalty.

XXV. *And be it further enacted*, That all persons in the city of New-York, not being residents thereof, sick of a yellow, bilious, malignant, or other infectious or pestilential fever, and all things within the said city which in the opinion of the health commission- Persons, &c., to be sent to the hospital.

ers shall be infected by, or tainted with pestilential matter, and ought to be removed from the said city, shall by order of any of the said commissioners, or by the board of health, be sent to the marine hospital.

Persons liable to pay for board, &c. at the hospital.

XXVI. *And be it further enacted*, That all persons removed to the said marine hospital, other than those who have paid hospital money, shall be liable to pay a reasonable sum for their board, medicine and attendance therein, and if any of them deemed to have sufficient means, shall refuse or neglect to pay such sum as they may be reasonably charged with, the same shall be sued for and recovered from them by the said commissioners, by an action on the case, in their own names.

Persons prohibited from going within the quarantine enclosure.

XXVII. *And be it further enacted*, That no person, unless authorised by the health officer or board of health, shall go within the inclosure of the quarantine ground, and that every person so transgressing shall be considered guilty of a misdemeanor, and fined in a sum not exceeding one hundred dollars, or imprisoned for a time not exceeding thirty days, by any court having cognizance thereof.

Physicians, &c. to make reports.

XXVIII. *And be it further enacted*, That every person practising physic in the said city, who shall have, between the thirty-first day of May and the first day of November, in any year, a patient labouring under yellow, bilious, malignant, or any pestilential or infectious fever, shall forthwith make a report in writing, to some one of the said health commissioners, and for neglecting so to do, he shall be considered guilty of a misdemeanor, and be fined in a sum not exceeding two hundred and fifty dollars, to be recovered by action of debt by the said commissioners, in their own names, or by either of them, in his own name, in any court having cognizance of said action.

Penalty.

Duty of keepers of boarding houses, &c.

XXIX. *And be it further enacted*, That every person keeping a boarding or lodging house in the city of New-York, between the thirty-first day of May and the first day of November, in any year, shall within twelve hours after any seafaring man or sojourner, shall be sick in such boarding or lodging house, report in writing the name of such diseased person to one of the health commissioners, or to the board of health; and that no master of a vessel or any other person whatever, shall, between the days aforesaid, remove any sick person from any vessel lying at any wharf or in the harbour of the city of New-York, before the name of such sick person has been reported to one of the health commissioners, or to the board of health, and a written permit granted for the purpose of such removal by the said commissioners, or one of them, or by the board of health, and that any person neglecting or refusing to comply with either of these directions, shall be considered guilty of a misdemeanor, and be fined in a sum not exceeding two hundred and fifty dollars, or be imprisoned for a time not exceeding six months, by any court having cognizance thereof.

Penalty.

Packing of salted provisions, &c.

XXX. *And be it further enacted*, That no salted provisions shall be packed or repacked at any season of the year, in that part of the city of New-York lying to the southward of a line drawn from the Hudson river through the centre of Canal-street to Sullivan-street, through Sullivan-street to Grand-street, through Grand-street to Walnut-street, and through Walnut-street to the East

river, and that from the first day of May to the first day of October, in any year, no salted or pickled beef or fish, except smoked beef and smoked fish, shall be deposited within or to the southward of the above limits, and all such salted and pickled beef or pickled fish, and all hides and cotton that may have been deposited in said city, south of the said line, prior to the thirty-first day of May, and shall there remain on the first day of June, shall be reported by the owner or person having charge of the same, to the health commissioners, or one of them, or to the board of health, that the same may be examined, from time to time, and removed, if in the opinion of the board of health, it be necessary to prevent any evil which may arise therefrom; and if the board of health shall order the removal of any such article, and the same shall not be forthwith removed by the owner or the person having charge of the same, it shall be lawful for the board of health to cause the same to be removed to some place that the said board shall deem safe, where it shall be at the risk of the owner, and the expense of such removal, and the storage of the said articles shall be borne by the owner or person who had charge of the said articles at the time of the removal thereof; and if the board of health shall, in the first instance, pay the said expense of removal and storage, the same may be recovered by the mayor, aldermen and commonalty of the city of New-York, by action of debt, against the owner or the person who had charge of the said articles at the time they were so removed, in any court having cognizance of such action: *Provided*, That nothing herein contained shall be taken to interfere with the powers herein before given to the said board of health to cause provisions, or other putrid or pestilential matter to be destroyed: *And provided further*, That nothing contained in this section shall be taken or construed to extend to such provisions as shall be exposed for sale by butchers in the public markets, or shall be kept by the heads of families for the use of their respective families; and that every person offending in the premises shall be considered guilty of a misdemeanor, and upon conviction thereof shall be fined for each offence in a sum not exceeding five hundred dollars, or be imprisoned for a time not exceeding six months, by any court having cognizance thereof.

Hides and cotton.

Provide.

Further proviso

XXXI. *And be it further enacted*, That the health commissioner is hereby authorised and required to demand and receive, and in case of neglect or refusal, to sue for and recover, in his own name, with costs of suit, from the captain or commander of every vessel which shall hereafter arrive in the port of New-York, from any foreign port or place, the following sums of money, to wit: for each captain or commander, or cabin passenger, one dollar and fifty cents; for each steerage passenger, mate, sailor or mariner, one dollar; and from each master, mate, sailor or mariner, of every coasting vessel, which shall hereafter arrive in the said port, twenty-five cents; which several sums shall be demandable of the captain or commander of every such vessel, and on payment thereof every such captain or commander shall and may lawfully demand and receive from every such person on whose account respectively the same shall have been paid, the monies so paid; and the said money so to be received by the said commissioner, shall be appropriated to the use of the said marine hospital, deducting therefrom

Monies payable by captains, passengers, &c. for support of marine hospital.

Previse.

the sum of two and a half per cent. which he is hereby authorised to retain as a compensation for collecting the same: *Provided*, That the coasting vessels coming from the states of New-Jersey, Connecticut and Rhode-Island, shall not pay oftener than once in each month.

Hospital money when and how payable.

XXXII. *And be it further enacted*, That the master or commander of every coasting vessel shall, within twenty-four hours after her arrival in the port of New-York, cause to be paid at the office of the health commissioner, or at such place as he shall designate in said city, such hospital money as is demandable by this act, to the said commissioner, or such person as he shall appoint, and if any master or commander of such vessel shall omit so to do, he shall pay a penalty of one hundred dollars, to be recovered by action of debt, by the health commissioner, in his own name, in any court having cognizance of the said action.

Compensation to resident physician, health com. and health officer.

XXXIII. *And be it further enacted*, That the compensation of the resident physician, and of the health commissioner, shall be to each of them one thousand dollars per annum, to be paid out of the monies by this act appropriated for the use of the said marine hospital; and that the health officer shall be entitled to receive as physician to the said hospital, the sum of four hundred and fifty dollars per annum, to be paid as aforesaid, and also for his services in searching and examining vessels from foreign ports, in pursuance of this act, the sum of six dollars and fifty cents for each vessel so by him examined, to be paid by the master or commander of the same; and the health officer shall also be entitled to receive from the master or commander of every vessel arriving in the port of New-York, from any port, island or other place in the United States, south of Cape Henlopen, and which he shall visit pursuant to this act, the sum of three dollars for each vessel above one hundred and sixty tons; the sum of two dollars for each vessel not exceeding one hundred and sixty tons, nor less than one hundred tons; and the sum of one dollar for each vessel below one hundred tons, so visited by him: *And further*, it shall be lawful for the health officer to appoint an assistant, who may perform all the duties required of said health officer, but for whose conduct he shall be responsible; and such assistant shall take an oath well and faithfully to execute the duties of his said office.

Assistant health officer.

Commissioners to account with comptroller.

Monies vested in stock.

XXXIV. *And be it further enacted*, That it shall be the duty of the said commissioners to account annually to the comptroller of this state, for all monies received by them for the use of the marine hospital, and if the same shall, in any one year, be more than sufficient to defray the expense of executing the trust committed to them, exclusive of such expenses as are to be borne and paid as a part of the contingent charges of the city of New-York, and including the annual compensations herein before granted to the said commissioners, then, and in such case, the health commissioners shall invest it in such stock of the United States, or other securities as the governor of this state may direct, the interest of which the said commissioners may receive for the use of the marine hospital, but the said stock or securities shall not be disposed of unless the receipts should at any time, be insufficient for the purposes of the said marine hospital, when it shall be lawful for the person administering the government of this state, up-

on the application of the said commissioners, to direct them to dispose of as much thereof as will pay such deficit : And further, that whenever a competent sum shall have been accumulated from the surplusses of several years, sufficient to commence the building of other stone or brick hospitals, in the place of the present wooden ones, then on application by the health commissioners to the governor of this state, he may direct said commissioners to dispose of said stock or securities for such purpose.

Building new hospitals.

XXXV. *And be it further enacted*, That the mayor, aldermen and commonalty of the said city, in common council convened, shall have power from time to time, and as often as they may deem it necessary, to appoint health wardens and such suitable officers as they may think proper, and to authorise such officers at such reasonable times as the said the mayor, aldermen and commonalty, in common council convened, shall think fit, in the day time to enter into, and examine all dwelling-houses, stores, buildings, apartments, lots, yards and enclosures of every description, within the said city, whether the condition thereof, or any thing therein contained, may be prejudicial to the public health, that such measures may be taken as may be required to preserve the health of the inhabitants of the said city.

Health wardens.

Duty.

XXXVI. *And be it further enacted*, That whenever it shall appear to the board of health, that the provisions of this act, the operations of which are limited to certain periods of the year, or any of the said provisions should be extended to any greater or other period of the year, it shall and may be lawful for the mayor of the said city, by and with the advice of the board of health of the said city, to publish his proclamation, declaring that the said provisions of this act, or such of them as may be designated in the said proclamation, shall be extended to such time as may be mentioned in the said proclamation, and thereupon the said provisions of this act shall be extended to such times and periods as may be mentioned in the said proclamation ; and this act, or such proportions thereof as aforesaid, shall be taken and construed as if the said times and periods mentioned in the said proclamation, were mentioned and set down in the respective sections to which the said proclamation may refer ; and if at any time, after such proclamation shall have been published, the said board of health may think the necessity of extending the periods mentioned in this act as aforesaid, has ceased, the mayor, by and with the advice of the board of health, may publish his proclamation accordingly, and thereupon the effect of the said first mentioned proclamation shall cease.

Proclamation to extend operation of this act.

XXXVII. *And be it further enacted*, That it shall be the duty of the said health commissioners from time to time, to communicate to the board of health such reports as may be made to them, or either of them, pursuant to this act ; and it shall further be the duty of the said commissioners, and of the health officer, to communicate to the board of health all information in their power, which may the better enable the said board of health to take measures for preserving the health of the said city, and for preventing the introduction of contagious and infectious diseases ; and more particularly it shall be the duty of the health officer, as often as may be, to furnish the board of health with a report respecting every vessel he shall

Reports to board of health.

visit, which report shall give all such information respecting such vessel, as may the better enable the said board of health to judge whether it may be necessary for them to take any measures in respect to the same.

Recorder to
act in mayor's
absence.

XXXVIII. *And be it further enacted*, That in case of the absence of the mayor from the said city, or in case of his sickness, which may render him incapable to discharge the powers and duties herein enjoined upon him, it shall be the duty of the recorder of the said city to discharge all and every, and to exercise all and every the powers enjoined upon and given to the said mayor, by this act.

Nuisances.

XXXIX. *And be it further enacted*, That nothing in this act shall be construed to interfere with the remedies against nuisances, prescribed by the common law.

Quarantine
at other ports
in this state.

XL. *And be it further enacted*, That all vessels having on board any person infected with any malignant or pestilential fever, or coming from any place whatsoever infected therewith, shall not come into any other of the ports or harbours of this state, until they shall have performed quarantine for such time and in such manner as the persons herein after mentioned shall think proper to direct, to wit: For the cities of Albany and Hudson, and upon Hudson river, opposite to the said cities, and within one mile above or below the same, the person administering the government of this state, and in his absence from the said cities, respectively, the mayor, and in his absence the recorder of the said cities, respectively, and for any town in this state, bordering or lying upon any port or harbour of this state, and upon the waters opposite to the same towns, any two or more justices of the peace residing therein; and if any person subject to quarantine as aforesaid, shall violate any of the regulations to be prescribed respecting the same as aforesaid, he shall be considered guilty of a misdemeanor, and shall be fined by any court having cognizance thereof, in a sum not exceeding five hundred dollars.

Duty of justices.

Penalty.

Infection how
prevented in
other cities
and towns.

XLI. *And be it further enacted*, That it shall be lawful for the said persons hereby authorised to execute this act in the cities of Albany and Hudson, and for any two or more justices of the peace, in any town in this state, to take effectual measures to prevent the introduction and spreading of any infectious distemper into any part of this state, and for that purpose to stop, detain and examine any person coming from any place infected with any such malignant or pestilential fever, and if there shall be good cause to suspect any person to be infected therewith, it shall be lawful for the several persons aforesaid, to cause every such person, not being an inhabitant thereof, to be sent out of this state, or kept in such place as will not expose the inhabitants of the same to take such distemper: And further, to appoint and authorise such, and so many persons to aid in the execution of their powers aforesaid, as they shall deem proper.

Physician in
Albany and
Hudson.

XLII. *And be it further enacted*, That it shall be lawful for the person administering the government of this state; by and with the consent of the council of appointment, to appoint a physician in each of the cities of Albany and Hudson, to assist in carrying into effect the provisions contained in the two preceding sections

of this act ; and such physician who shall examine any vessel coming from a foreign port, shall be entitled to receive from the commander thereof, the sum of seven dollars and fifty cents.

XLIII. *And be it further enacted*, That all fines and penalties imposed by this act, and as to which provision shall not have been hereby made, shall and may be sued for and recovered by the health commissioners in their names, or the name of any one of them, and shall be received and applied by them towards defraying the expenses of the marine hospital. Fines and penalties.

XLIV. *And be it further enacted*, That if any person shall be sued for any thing done in pursuance of this act, it shall be lawful for such person to plead the general issue, and to give this act and the special matter in evidence. Persons sued may plead general issue.

XLV. *And be it further enacted*, That all acts and parts of acts of the legislature of this state, inconsistent with the provisions contained in this act, or which come within the purview thereof, be, and the same are hereby repealed. Former acts repealed.

CHAP. CCXXX.

AN ACT relative to the Board of Supervisors of the several Counties of this State.

Passed April 14, 1820.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the clerk of the supervisors of the several counties in this state shall record in a book provided for that purpose, all the proceedings of the said supervisors, make regular entries of all their resolutions or decisions on all questions for the raising or payment of monies, as also, the vote of each supervisor, whether in the affirmative or negative, if the same shall be required by any member present, and preserve and file all accounts acted upon by them, which book of entries, accounts and vouchers aforesaid, of the board of supervisors of the said county, shall be deposited with the clerk of the board of supervisors, and be open to examination by any one, without payment of any fee for the same. Duty of clerks of supervisors

CHAP. CCXXXI.

AN ACT to amend an act, entitled "an act to incorporate the Philipstown Turnpike Company, in the County of Putnam," passed April 14th, 1815.

Passed April 14, 1820.

WHEREAS the president and directors of the Philipstown turnpike road company, have by their petition, represented to this legislature, that the said road has been made a great part of the Preamble

distance through a rough and broken country, covered with heavy timber and wood, that the woodland commences about three miles from the river, and the cutting and conveying the wood adjacent to the said turnpike to the river, is the constant employment of a great number of persons and teams, which claim exemption from the payment of toll by law, although they travel from six to eight miles on said turnpike with heavy loads, to the great damage of the road and loss of the company : Therefore,

Certain persons liable to pay toll.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That all persons residing within one mile of either of the gates erected upon the said turnpike road, and passing the same with wood, timber or ore for market, shall be liable to pay toll in the same manner as if such persons resided over a mile from the said gates, any thing in the act hereby amended, or the act entitled "an act relative to turnpike companies," to the contrary notwithstanding.

CHAP. CCXXXII.

AN ACT to enable the Mayor, Aldermen and Commonalty of the City of Albany, to dispose of their Public Lands by a Lottery.

Passed April 14, 1820.

Preamble.

WHEREAS in consequence of the expense in the erection of an academy, a Lancaster school, and in various other public improvements in the city of Albany, a great debt has been incurred and is still owing : And whereas the corporation of the said city have no other means of finally discharging the same, except by a sale of lots and vacant lands, now belonging to the said corporation, which sales cannot at the present time be made in the usual manner ; and as the payment of the interest on the debt by taxation, is becoming injurious to the prosperity of the city, and burthensome to its citizens : Therefore,

Lottery authorised.

I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be lawful for the commissioners appointed in and by the act entitled "an act to improve the finances of the city of Albany," passed the 24th March, 1818, to make a fair valuation of the lands, lots and other real estate belonging to the city of Albany, and to dispose of the same by a lottery not to exceed in amount two hundred and fifty thousand dollars ; provided, that the scheme of such allotment of the lands, the price of tickets or shares, and the mode of drawing or determining the same, shall be submitted to the attorney-general and comptroller of this state, and be by them approved of, previous to the sale of any tickets or shares under this act :

Provided.

Provided nevertheless, That it shall not be lawful for the tickets in the said lottery to be sold or disposed of by any person or persons, or at any lottery office or place out of the city and county of Albany ; and that any person so selling or offering to sell the same out of such city and county, shall be liable to a penalty of fifty dollars,

for every such offence, to be sued for and recovered in the name and for the use of any person who will sue for the same, in any court within this state.

II. *And be it further enacted*, That any grant, bargain, sale, conveyance, or transfer of any lands, tenements, hereditaments or real estate, made in pursuance of the lottery authorised by this act, shall be valid in law, any thing in any former act to the contrary notwithstanding. Certain grants, &c. confirmed.

III. *And be it further enacted*, That the avails of the sales of Grand-Island, when the same shall be sold by the direction of the legislature, be and the same is hereby appropriated to the construction of the Lake Erie and Champlain canals. Avails of Grand Isl. and appropriated.

CHAP. CCXXXIII.

AN ACT to erect certain parts of the City of Schenectady into separate Towns, and for other purposes.

Passed April 14, 1820.

WHEREAS the inhabitants of the city of Schenectady, by their petition to the legislature of this state, and also the mayor, aldermen and commonalty of said city, by their petition, under the corporate seal of said city, have represented, that from the vast extent of territory comprised in the third and fourth wards of said city, and the diversity of interests between the inhabitants of those wards, who are generally farmers, and the citizens residing in the compact part of said city, as well as from various other causes, great and increasing difficulties have been experienced in the transaction of their public concerns and in the management of their common property, and have applied for a law to have the said third and fourth wards erected into separate towns, and to authorise a division of their common lands and property in the manner hereinafter mentioned: Therefore, Preamble.

I. *BE it enacted by the People of the State of New-York*, Town of Rotterdam erected. *represented in Senate and Assembly*, That from and after the first Tuesday of January next, all that tract of country contained within the limits and bounds of what is now known and called by the name of the third ward of the city of Schenectady, shall be and hereby is separated from the said city, and erected into a town by the name of Rotterdam.

II. *And be it further enacted*, That all that tract of country contained within the limits and bounds of what is now known and called by the name of the fourth ward of said city, shall from and after the said first Tuesday of January next, be and hereby is separated from said city, and erected into a town by the name of Glenville. Town of Glenville erected.

III. *And be it further enacted*, That the freeholders and inhabitants of the said towns of Rotterdam and Glenville respectively, be and hereby are empowered to hold town meetings and elect town officers, and enjoy all the privileges which the freeholders and inhabitants of other towns within this state may do by law, and that the first town meeting in the said town of Rotterdam General powers and duties of these towns.

shall be held at the present dwelling-house of Lawrence Schermerhorn, and in the town of Glenville, at the present dwelling-house of Nicholas S. Van Patten; and that the freeholders and inhabitants of the said towns of Rotterdam and Glenville, shall and may use and enjoy all rights, privileges and immunities, as far as it relates to passing the gate on the turnpike road, and crossing the bridge on the Mohawk river, as by law they now have, use and enjoy as freeholders and inhabitants of the city of Schenectady.

Privilege as to turnpike and bridge.

Remaining territory declared to be the city of Schenectady.

General powers.

Common council of Schenectady.

Treasurer to give security, &c.

Specified powers of common council.

Streets.

Firemen.

Fires.

Scuttles.

IV. *And be it further enacted*, That the remaining part of the said city of Schenectady shall continue and remain a city, by the name of Schenectady; and that all the freemen of this state from time to time being inhabitants thereof, shall be a body corporate, by the name of the mayor, aldermen and commonalty of the city of Schenectady, and by that name they and their successors shall be known in law, and be capable of suing and being sued, and of defending in all courts of law and equity, and in all actions and matters whatsoever; and may have and use the present public seal of the said city, as their common seal, and may alter the same at their pleasure; and also that they and their successors, by the name of the mayor, aldermen and commonalty of the city of Schenectady, shall be in law capable of purchasing, holding and enjoying any estate, real or personal, for the public use of the said corporation.

V. *And be it further enacted*, That the mayor, aldermen and assistants of the said city, shall be called and constitute the common council of said city; the said mayor to be appointed, and the said aldermen and assistants to be elected in the same manner as if this act had not been passed; and the said common council shall and may be summoned to meet and conduct their said meetings, and shall and may possess, exercise and enjoy all powers, authority and privileges, as heretofore possessed, exercised and enjoyed by the common council of the city of Schenectady, before the passage of this act, except as to the third and fourth wards.

VI. *And be it further enacted*, That the sureties in the bond to be given by the treasurer to the mayor, aldermen and commonalty of the city of Schenectady, conditioned for the due execution of the duties of his office, and the faithful discharge of the trust reposed in him, shall be approved of by the said common council annually, before the said treasurer shall enter on the execution of the duties of his office.

VII. *And be it further enacted*, That the mayor, aldermen and commonalty of said city, in common council convened, in addition to the powers and authorities already vested in them by law, shall have power and authority to direct the paving or flagging of any of the streets or side walks of said city, to prevent and remove all encroachments into and upon said streets and alleys, to nominate and appoint any number of discreet, sober and able bodied men as firemen, any law to the contrary notwithstanding, to require the sheriff and his deputies, the marshal, watch and constables, to be aiding in the extinguishment of all fires, and to prevent goods from being purloined thereat, and in securing the same; subject to the orders of the mayor or any alderman or assistant present at such fire; to compel the owners and occupants of houses or other buildings, to have scuttles on the roofs of any such

houses and buildings, and stairs and ladders leading to the same : *Provided always*, That no ordinance or by-law to be passed by virtue of any of the provisions of this act, shall be repugnant to the constitution or any statute of this state.

VIII. *And be it further enacted*, That all the estate, real and personal, debts, rents, income, funds and effects, which shall belong, or be due and owing to the said mayor, aldermen and commonalty of said city, on the first Tuesday of January next, except so much thereof as shall be requisite and necessary for the extinguishment of the debts which shall then remain due and owing from the said mayor, aldermen and commonalty, shall, by the commissioners hereinafter named, or the major part of them, be fairly and equitably divided into two equal parts or shares, one of which parts or shares, shall, upon such division being made, be ballotted for by the said commissioners hereinafter named, and belong to and be completely and absolutely vested in the corporation of the said city as constituted by this act, and their successors for ever, for the use and benefit of the freeholders and inhabitants of the said city ; and the other of the said parts or shares shall be ballotted for by the said commissioners, and be divided to the said towns in proportion to their population ; to be in like manner vested in the trustees hereinafter directed to be chosen in the said towns, of Rotterdam and Glenville, and their successors for ever, for the use and benefit of the freeholders and inhabitants of the said towns, subject to such regulations as the trustees of the said towns are herein after authorised to make.

Division of estate regulated.

IX. *And be it further enacted*, That on the first Tuesday of January, in the year one thousand eight hundred and twenty-one, and on the first Tuesday of April annually thereafter, it shall and may be lawful for the freeholders and inhabitants qualified by law to vote at town meetings, and resident in the said towns of Rotterdam and Glenville, to elect by ballot, in each of the said towns, three freeholders, inhabitants of the respective towns, to be trustees, to hold and manage the common lands and property of the said towns, who when chosen, shall possess the several powers and rights hereinafter specified ; and the persons having the greatest number of votes for trustees, shall be the trustees thereof, and shall continue in office for one year, or until others are elected in their stead ; and also such officers as any other town in this state is authorised to elect.

Trustees in the two towns.

X. *And be it further enacted*, That the freemen of this state, from time to time, being inhabitants of the said towns of Rotterdam and Glenville, shall severally be bodies corporate, by the name of "the trustees of the town of Rotterdam, and the trustees of the town of Glenville, in the county of Schenectady," and by that name they and their successors shall be known in law, and be capable of suing and being sued, and of defending in all courts of law and equity, and in all actions and matters whatsoever ; and may have a common seal in each town, respectively, and may alter the same at their pleasure ; and also, that they and their successors, by the name of the trustees of Rotterdam and the trustees of the town of Glenville, in the county of Schenectady, shall be in law capable of purchasing, holding and enjoying any estate, real and personal, for the public use of the said corporations, re-

Trustees incorporated.

Style and general powers.

spectively : And further, that the said trustees shall meet on the third Tuesday of March, in every year, and oftener if necessary ; and shall have power and authority to make such prudential rules and regulations for the better management of their common property, and for the better preservation of their wood land, and to prevent waste and destruction thereof, as the said corporation, or the major part of them may deem useful and necessary, and as shall not be contrary to, or inconsistent with the constitution and laws of this state : And further, to restrain or regulate the cutting of timber or fuel by such of the inhabitants of the said towns as may reside on that part of the said common lands, which shall be allotted by the said commissioners to the first and second wards ; and that it shall not be lawful for any inhabitants of the first and second wards, to cut or carry away any timber or firewood on, or from any of the lands to be allotted as aforesaid, to the said towns of Rotterdam or Glenville, nor for the inhabitants of the said towns of Rotterdam or Glenville to cut or carry away any timber or firewood on or from any of the lands to be allotted as aforesaid, to the said first and second wards : And further, that the said corporation shall and may annually, each appoint a fit person, being a freeholder and inhabitant of such towns, to be treasurer and clerk to the said trustees for the year then next ensuing, and the said treasurer and clerk shall, before entering on the execution of the duties of their respective offices, give bonds with two sureties, to be approved of by the said trustees, in the sum of five thousand dollars, conditioned for the due execution of the duties of their said offices, and the faithful discharge of the trust reposed in them, which said treasurers and clerks shall hold all the funds and effects belonging to the board of trustees, and shall severally take and subscribe the following oath, to be administered by one of the said trustees. " I

Oath. ————— do solemnly swear, (or affirm, as the case may be) that I will faithfully perform and truly discharge the duties of the office of treasurer and clerk, to the best of my ability ;" and it shall also be the duty of the said treasurer and clerk, to enter in a book or books, to be provided for that purpose, all the proceedings of the said trustees, from time to time ; which books and proceedings shall be open at all proper times for the inspection of any of the inhabitants of the said towns.

Power to fine. XI. *And be it further enacted,* That the said several corporations, as often as they shall make any such rules and regulations as aforesaid, may make and provide such reasonable fines, penalties and forfeitures, for any violation of such rules and regulations, as they may deem proper, not exceeding twenty-five dollars for any one offence, to be prosecuted for and recovered before any justice of the peace, with costs, by the trustees, for the use of the said town, in which action it shall be sufficient to declare generally, that the defendant or defendants is, or are indebted to the said trustees in the amount of the debt, fine, penalty or forfeiture alleged to have been incurred, and under such declaration to give the special matter in evidence ; and any justice of the peace of the county of Schenectady, residing in either of the said towns, and any freeholder and inhabitant of either of the said towns, shall be, and are hereby declared competent, respectively, to try, serve as jurors,

Cutting of
timber.

Restrictions.

Treasurer
and clerk.

How recovered.

or give testimony in any cause, notwithstanding any remote interest they may have in the event of such suit, as residents of either of the said towns. Inhabitants witnesses.

XII. *And be it further enacted* That all the unimproved wood lands which may by the commissioners hereinafter appointed, be set off and balloted for by the said towns, shall be and remain in common for timber and fuel, for the use of the freeholders and inhabitants of the said towns respectively, subject to the regulations of the said trustees; and it shall not be lawful for the said trustees, or their successors, to demise, sell or convey any part of the last mentioned wood lands, to any person whatsoever; and every demise, sale or conveyance thereof, by them, shall be void: *Provided nevertheless*, That if the freeholders and inhabitants, at town meeting, in either of the said towns, shall, by a majority of votes, determine to give to the aforesaid trustees and corporation, in either of the aforesaid towns, power to lease the same in perpetuity, it shall be lawful for them so to do; and the said determination being filed in the office of the town clerk of such town, shall be a sufficient authority to lease the said lands, for an annual rent, in perpetuity, such rent to be in proportion to the quality of the lands, with such covenants for the payment of rent and reservation of timber, as the said trustees, respectively, shall deem just and proper: And further, that the said trustees shall not have a right to extinguish or release the said rent, but the same shall remain a perpetual revenue to the aforesaid towns respectively. Improved wood lands.
Proviso.
Leases

XIII. *And be it further enacted*, That all monies which may come to the hands of the said trustees, for rent and interest, or otherwise, shall and may be appropriated by the said trustees for the improvement of roads and bridges in the said respective towns, and for such other public uses and purposes as the said trustees may think proper, but that no appropriation whatever of said monies, or other public property of the said towns, shall be made by the said trustees, without the unanimous consent of all the trustees; and that distinct accounts shall be kept of all monies from time to time, appropriated by the said trustees, for public purposes in either of the said towns; and that the said trustees shall annually, on the first Tuesday of March, make out and publish an account of their receipts and disbursements during the preceding year: *And further*, That the said trustees shall, previous to their entering upon the duties of the said offices, take and subscribe an oath, for the faithful execution of the duties of their respective offices, according to the best of their abilities, without fraud, favor or partiality; which oaths shall be filed in the office of the town clerk of their respective towns; and the said trustees shall receive for every day engaged in the execution of the duties of their office, the sum of one dollar. Appropriations of rents and interest.
Roads.
Trustees oath

XIV. *And be it further enacted*, That Lawrence Vrooman, of the town of Niskayuna, James Frost, of the town of Duaneburgh, county of Schenectady, and John Schuyler, junior, of the town of Watervliet, in the county of Albany, be, and they are hereby appointed commissioners for the purpose of making division and partition as aforesaid, between the mayor, aldermen and commonalty of the said city, as intended to be constituted by this L. Vrooman
J. Frost and
J. Schuyler, jr. commis-
sioners to make
partition.

act, and the aforesaid towns of Rotterdam and Glenville, of all the estate, real and personal, debts, rents, income, funds and effects, which shall belong or be due and owing to the corporation of the said city on the said first Tuesday of January next, excepting so much thereof as is hereinafter directed to be set apart and applied to the extinguishment of the debts that shall be owing from the said corporation, and for defraying the costs and charges and expenses that may be incurred in making the said division and partition.

Debts due
from the city.

and to the
city.

Debts how
paid, &c.

XV. *And be it further enacted*, That a committee of the common council of the city of Schenectady, as now established by law, consisting of the mayor and one alderman or assistant, from each of the four wards of said city, shall, as soon as may be, proceed to ascertain from the treasurer of the said city, the amount of the debts due from the said city, and shall make out a certificate under their hands and seals, stating the names of the persons to whom the said city is indebted, and the amount of the debts due to each; which certificate shall be by them filed with the treasurer of the said city; and the said committee shall also procure and deliver to the said treasurer an account to be obtained by them from the said treasurer, of all the personal estate, debts, rents, income, funds and effects due, owing and belonging to the said city, all which personal estate, debts, rents, income, funds and effects, shall and may be collected and applied by the mayor, aldermen and commonalty of the said city, as now established by law, towards the extinguishment of the debts mentioned in the certificate to be filed as aforesaid, by the said committee, with the treasurer, and the expenses to be incurred by the commissioners, and shall be kept as a distinct fund for that purpose, and accounted for as hereinafter mentioned, and for the payment of which debts and expenses, the said corporation as now established by law, are to be deemed and held liable; but if the said debts and expenses shall not be paid, satisfied and extinguished on or before the said first Tuesday of January next, then, and in that case the said personal estate, debts, rents, income, funds and effects, due, owing and belonging to the said city, shall and may be collected and applied by the mayor, aldermen and commonalty of the city of Schenectady, as intended to be constituted by this act towards the extinguishment of the residue of the said debts, mentioned in the certificate to be certified as aforesaid, and the expenses incurred by the said commissioners, and for the payment of the residue of the said debts and expenses, the said corporation as intended to be constituted by this act, shall then, and in that case be deemed and held liable, and the said corporation shall from time to time, and when thereunto requested by the said trustees, account for the application of the monies arising from the said fund, and for any surplus that may be left after the final extinguishment of the said debts and expenses of the said partition.

Part of com-
mon lands in
what case to
be sold.

XVI. *And be it further enacted*, That in case the said committee should be of opinion that the personal estate, debts, rents, income, funds and effects mentioned in the preceding section of this act, are inadequate to the payment of the said debts and expenses, it shall and may be lawful for the said committee, under the direction of the said common council, to survey, lay out, and

sell and convey, by deed executed, a sufficient quantity of the common lands of the said city, as shall be deemed adequate to the discharge of the said debts and expenses, and under the direction of the said common council to execute deeds as aforesaid, to the purchasers thereof, and the monies arising from such sale to pay to the treasurer of said city, to be by the mayor, aldermen and commonalty applied and accounted for in the same manner that the funds arising from the said personal estate, debts, rents, income, funds and effects are in the last preceding section of this act directed to be applied and accounted for.

XVII. *And be it further enacted*, That as soon as may be after the said first Tuesday of January next, and after the survey of the said common lands shall have been made by the said committee as before directed to be appointed from the common council of the city of Schenectady, as now established by law, the said commissioners shall proceed to divide all the common lands and real estate of every kind, (except such part thereof as they may conceive it necessary to set off and sell as aforesaid,) which shall belong to the said city on the said first Tuesday of January next, into two equal parts or shares, as nearly as may be in quantity and quality, and in such manner as the said commissioners may deem just and equitable, and shall by writing under their hands and seals certify the part or share drawn on the said ballot by the said mayor, aldermen and commonalty of the city of Schenectady, and the part or share drawn on the said ballot by the said trustees of the said towns of Rotterdam and Glenville, respectively, by metes and bounds, the parts or shares drawn by each, which writing being first duly proved and acknowledged by the said commissioners, shall be filed and recorded in the office of the clerk of the county of Schenectady, and that when, and as soon as the same shall be so filed and recorded, the said mayor, aldermen and commonalty, shall, by deed under their common seal, convey to the trustees of each of the respective towns of Rotterdam and Glenville, as bodies corporate, their several and respective shares so allotted to them and described as aforesaid, by which they and their respective successors shall severally become seised and absolutely vested with the title of the lands and tenements so conveyed to them as aforesaid, and the remainder of the said lands and tenements shall be and remain vested in the aforesaid mayor, aldermen and commonalty, their successors and assigns forever; and the part or portion falling to the towns of Rotterdam and Glenville, shall again be subdivided by the aforesaid commissioners, allotting to each of the said towns of Rotterdam and Glenville, a share in proportion to the inhabitants, and as far as possible, allowing each share to lie in their own towns; and it shall be the duty of the aforesaid commissioners particularly to designate the same by metes and bounds as aforesaid.

After survey, lands to be divided and how.

Commissioners to be made.

Commissioners to take an oath, &c.

XVIII. *And be it further enacted*, That the acts of a majority of the said commissioners, in relation to any of the duties by this act enjoined on them, shall be binding and conclusive, and that the said commissioners shall previous to their entering on their said office, severally take and subscribe an oath, well and faithfully to execute the duties thereof, according to the best of their skill and understanding, without fraud, favour or partiality.

Compensation.

XIX. *And be it further enacted*, That the said commissioners shall receive as a compensation for their services and expenses, at the rate of three dollars for every day necessarily employed by them in the executing their duty under this act.

Vacancies how supplied.

XX. *And be it further enacted*, That in case any or either of the commissioners herein before appointed, or which are directed to be appointed in the next preceding section of this act, should decline to serve, or should die or resign previous to the completion of the business assigned to them, it shall and may be lawful for the supreme court of this state to appoint others in the place or stead of those so declining to serve, or dying or resigning as aforesaid.

Poor, etc. to be divided.

XXI. *And be it further enacted*, That as soon as may be after the first Tuesday of January next, the supervisors and overseers of the poor of the said city and of the towns of Rotterdam and Glenville, shall, by notice to be given by the supervisors of the said city and towns for that purpose, meet together and apportion the poor maintained by said city previous to the erection of the said towns, and also to divide all monies which shall be in the hands of the overseers of the poor unappropriated on the said first Tuesday of January next, in an equitable manner; and if such supervisors and overseers of the poor cannot agree upon such division of the poor money aforesaid, then and in such case the supervisors of the county shall at their annual meeting thereafter, apportion and divide the poor and money aforesaid, in such manner as shall to them appear most just and equitable.

Alms-house.

XXII. *And be it further enacted*, That the alms-house and the lands appertaining thereto, shall not be included in the said division, but shall be and remain in common between the mayor, aldermen and commonalty of the city of Schenectady, as intended to be constituted by this act, and the trustees of the towns of Rotterdam and Glenville, and their respective successors for ever, for the use and benefit of the said city and towns.

Leases may be given by Schenectady corporation.

XXIII. *And be it further enacted*, That it shall and may be lawful for the mayor, aldermen and commonalty of the said city, to make such disposition of the share of the common lands and property as shall be allotted to them by the said commissioners, by leasing, as the said mayor, aldermen and commonalty in common council convened, shall deem most expedient and proper: *Provided however*, That no such disposition of the common property shall be made by them without the assent of two thirds of all the members composing the said common council.

Proviso.

Other property found how to be divided.

XXIV. *And be it further enacted*, That if at any time after the division by the commissioners as aforesaid shall be made, there shall be found any real or personal property of any description, belonging to the corporation of the city of Schenectady, as now established by law, which shall be undivided, it shall and may be lawful for the corporation of the city of Schenectady, as intended to be constituted by this act, and the trustees of the said towns of Rotterdam and Glenville, to divide the same in a just and equitable manner between the said city and the said towns, share and share alike.

Partition may be made without the com-

XXV. *And be it further enacted*, That it shall and may be lawful for the aforesaid mayor, aldermen and commonalty of the

city of Schenectady as now established by law, without the aid of ^{commissioners, and how.} commissioners, to divide the aforesaid common lands and personal property, as contemplated by this act, between the aforesaid towns and city, in the manner therein particularly mentioned, in case they can agree on such *decision* or partition, but in case the majority of the aldermen and assistants of either of the wards shall dissent therefrom before the same is entered in the book of the clerk of the city, then and in such case the said partition or *decision* shall not be binding on such ward; but in case no dissent is filed, the record shall be a sufficient evidence of such partition and division as aforesaid, and the conveyance executed as contemplated by this act.

XXVI. *And be it further enacted*, That nothing in this act ^{Provision as to roads.} contained shall prevent the mayor, aldermen and commonalty of the city of Schenectady, as contemplated by this act, from time to time, to include in the road district part of the roads within the present bounds of the third ward of the said city, and the town of Rotterdam, as contemplated by this act, and to order the same to be worked by the inhabitants of the first and second wards, in the same manner as they had a right to do before the passing of this act : *Provided*, That the sections of the said road so to be worked, ^{Proviso.} shall not extend more than one mile from the Dutch church, situate in the first ward of said city.

CHAP. CCXXXIV.

AN ACT to enable certain Aliens to purchase, take, hold and convey Real Estate.

Passed April 14, 1820.

I. *BE it enacted by the People of the State of New-York*, ^{Names of aliens admitted, etc.} represented in Senate and Assembly, That Francis Bows, Thomas Grimley, Thomas M. Clarke, Francis Gross, Samuel Smith, Edward Hardy, August L. Ulrich, Edward Smith, Isaac Hill, Paul Tocmon, John Rowling, senior, Mary Rowling, Mary Tabbott, Sarah Cheesman, Grace Rowling, Hannah Rowling, John Rowling, junior, Joseph Rowling, Samuel Scott, John A. Butin, Abraham Butin, John Lambert, Alexander Lyale, Thomas Lilburn, Smyth Clark, Edward Cort Riley, George Shearer, Robert Robertson, Andrew Shearer, Emanuel De Grouchy, Edward Hyde Clarke, James W. Stephens, John Service, John Speers, Jacob Weiss, Jane Weiss, Mary Weiss, Jacob Weiss, junior, James Weiss, Charles Campbell, William Wylie, James Wylie, Edward Rutherford, John Rutherford, Thomas Rutherford, Thomas Mason, Peter Cameron, Clement Miller, Margaret Miller, Elizabeth Miller, Catharine Martha Miller, Mary Margaret Miller, Joseph Richard Mahon Miller, Elizabeth Christiana Miller, Richard Haynes Farmer, Francis Ford Mahon Farmer, Richard Haynes Farmer, the second, William Cleland Moore, Thomas Clinton, James Davidson, John Smith, Johnston Young, Henry Blankman, Garrit Blankman, George C. Barry, Benjamin Niven, Francis Niven,

George Wight, Daniel M^r Kercher, Charles Pindar, John Francis Moreux, George Bell, John Elliott, Philip Cleary, John Cleary, Daniel Cleary, Michael Delaharty, John Baldwin, Michael Scarborough, Henry Hoyle, John Maille, John Pirnie, Michael Leden, Charles Lep, Levy Solomons, James Russell, Walter Crozier, David Hume, John McNaught, Duncan Turner, Alexander Rose, Matthew Wight, Charles Stott, James Edgar, John Gaskin, John Deyermmand, William H. Deyermmand, Nathaniel Miller, George Atkinson, Thomas Atkinson, Francis Atkinson, Peter I. J. Butin, John Quigley, James Fegan, James Smith, Joseph Wood, John Laidlaw, William McClelland, Henry Hammil, Alexander Montgomery, George Allen, George Taylor, John C. Hind, shall be and they are hereby respectively enabled to take real estate within this state, either by descent or purchase, and to hold the same and dispose thereof, in the like manner as natural born citizens, and that the title to any lands, tenements or hereditaments heretofore purchased or acquired as aforesaid, by any of the above named persons, shall not be impeached or defeated by reason of his, her or their alienage; but the same is hereby vested in every such person, his or her heirs and assigns, in like manner as if he or she had been a natural born citizen: *Provided*, That in case any of the aforesaid persons shall, at the expiration of six years, after the passing of this act, be alive and not naturalized according to the existing laws of the United States, all the lands which he or she may then hold by virtue of this act, shall be vested in the people of this state, in the same manner as if this act had not been passed: *And provided further*, That the quantity of land so to be held by any of the persons above named, shall not exceed two thousand acres.

Proviso.

Further power.

II. *And be it further enacted*, That each of the before named persons shall and may hold and convey any lands by them heretofore purchased, not exceeding ten thousand acres.

Provisions to G. Atkinson, and others.

III. *And be it further enacted*, That it shall and may be lawful for George Atkinson, Thomas Atkinson, and Francis Atkinson, of the city of London, to take and hold to them, or either of them, their heirs and assigns, any lands or real estate, situate within this state, which may be conveyed to them, or either of them, in satisfaction of any existing debt now due to them, or either of them, and to grant, bargain, sell, convey and dispose of the same to any person or persons who are by law authorised to purchase and hold real estate within this state, in like manner as natural born citizens: *Provided*, That it shall not be lawful for the said George Atkinson, Thomas Atkinson, and Francis Atkinson, or their heirs, to demise any part of the said real estate for any term, or to charge the same with any rent.

Proviso.

CHAP. CCXXXV.

AN ACT to suspend the sale of the Real Estate mortgaged by Joseph Kline, to the People of this State.

Passed April 14, 1820.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the attorney-general be and he is hereby directed to suspend and stop all further proceedings of foreclosure on a mortgage executed by Joseph Kline and Elizabeth his wife, to the people of this state, dated the fifth day of June, one thousand eight hundred and thirteen, for the security of the sum of five thousand dollars, with interest annually, as soon as Jacob Bogardus, or his assigns, shall pay to the said attorney-general all the costs made in consequence of such advertisement of foreclosure or otherways, including the costs of the judgment in favour of the state against said Kline, if he shall be well satisfied that the present security for the said money is good, or if the same shall be made good to the satisfaction of the attorney-general and comptroller, and that the comptroller be authorised and required to consolidate the interest that will become due on the said mortgage on the first day of May next, with the principal thereof, and that the whole sum, when so consolidated, may be allowed to remain one debt, and continue to be unpaid the same as it would have done if the interest had been regularly paid, and that the interest on the said whole sum shall hereafter be annually paid, to commence on the first day of May next.

Duty of attorney-general.

And of the Comptroller.

CHAP. CCXXXVI.

AN ACT to amend the Act, entitled "*An Act declaring the Powers and Duties of Justices of the Peace.*"

Passed April 14, 1820.

I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That all fines hereafter imposed by any justice, or court of special sessions, first deducting the costs allowed by law, shall be paid by the person receiving the same to the overseers of the poor of the city or town wherein such fine shall be imposed, within thirty days after the receipt thereof, to be used and expended by the said overseers for the support of the poor of such town; and in case of the non-payment within the time above specified, it shall be lawful for the said overseers to sue for and recover the same in an action of debt, or on the case, before any court having cognizance thereof, and in such action it shall be sufficient for the plaintiff to declare for so much money had and received by the defendant or defendants to their use, and stating in such declaration, that the plaintiffs prosecute under and by virtue of this act, any law to the contrary notwithstanding.

Fines received to be paid over, &c.

Duty of overseers of the poor.

Convictions
to be filed,
&c.

II. *And be it further enacted*, That in all cases where any conviction shall be had before any court of special sessions, in pursuance of the act hereby amended, it shall be the duty of the justices holding such court of special sessions, to make a certificate of such conviction, under their hands and seals, in which shall be briefly stated the offence, conviction and judgment thereon; and the said justices shall within forty days after such conviction had, cause such certificate to be filed in the office of the clerk of the county in which the offender shall be convicted, and such certificate, under the hands and seals of such justices, or any two of them, and so filed, or the exemplification thereof by such clerk, under his seal of office, shall be good and legal evidence in any court in this state, to prove the facts contained in such certificate or exemplification.

CHAP. CCXXXVII.

AN ACT to extend the time for completing the Elmira Bridge.

Passed April 14, 1820.

Time extend-
ed.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the time limited for completing the Elmira bridge, by an act, entitled "An act to incorporate the Elmira bridge company," passed April 7th, 1817, be and the same is extended to the first day of December, one thousand eight hundred and twenty-three, and that said bridge shall be built near the now dwelling-house of John Davis, in the village of Newtown, directly opposite the place where the Newtown turnpike road commences at the Chemung river.

CHAP. CCXXXVIII.

AN ACT to incorporate the Narrows Bridge Company.

Passed April 14, 1820.

Corporation
created.

Style and
general pow-
ers.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Henry Walton and James Green, and their present and future associates, their successors and assigns, be and they are hereby created a body politic and corporate, by the name of "The president, directors and company of the Narrows bridge company;" for the purpose of building a bridge over the Narrows of Saratoga Lake, at or within twenty rods of James Green's ferry; and they are hereby ordained, constituted and declared to be, for the term of twenty-one years, a body politic and corporate, in fact and in name, and by that name they and their successors shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and that they and their successors may have a common seal, and make, change and alter the same at their pleasure; and also that they and their successors, by the same name and style, shall be in

law capable of purchasing, holding and conveying any estate, real and personal, for the use of said corporation : *Provided*, the real estate so to be holden, shall be such only as shall be necessary to promote or attain the objects of their incorporation. Proviso.

II. *And be it further enacted*, That Henry Walton, James Green and Miles Beach be, and they are hereby appointed commissioners to do and perform the several duties hereinafter mentioned, to wit : They shall on or before the first day of June next; procure three books, and in each of them enter as follows, to wit : " We whose names are hereunto subscribed, do, for ourselves and our legal representatives, promise to pay the president, directors and company of the Narrows bridge company the sum of ten dollars for every share of stock in the said company, set opposite to our respective names, in such manner and proportion, and at such time and place as shall be determined by the said president, directors and company ;" one of which books shall be left with each of the said commissioners, at their respective places of abode, who shall keep the same open for the purpose of receiving subscriptions ; and every subscriber shall, at the time of subscribing, pay unto either of the said commissioners, the sum of one dollar on each share to be subscribed ; and the commissioners shall, as soon as one hundred shares have been subscribed, cause an advertisement to be inserted in the newspaper called the Saratoga Sentinel, giving at least ten days notice of the time and place the said subscribers shall meet for the purpose of choosing five directors, who shall be stockholders, for the purpose of managing the concerns of the said company, for one year, and the day of choosing the said directors shall forever thereafter be the anniversary day for choosing directors ; and a majority of the said directors shall be a quorum, and capable of transacting the business of the said corporation, and every act of a majority of the said directors so met, shall be binding on the said corporation ; and the said directors elected by a plurality of votes of the stockholders so present, shall immediately proceed to the choice of one of their number for president, and the said president and directors may meet from time to time, at such time and place as they may find expedient ; and shall have power to make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of this state or of the United States, as shall be necessary for the well ordering the affairs of the said corporation. Books for subscription.

III. *And be it further enacted*, That the said president and directors shall continue to receive subscriptions to the stock of the said corporation until there shall be three hundred shares subscribed ; and shall have power to appoint such agents, clerks, workmen and others under them, as shall be necessary for executing the business of the said corporation. Notice to be given.

IV. *And be it further enacted*, That the number of shares or subscriptions constituting the stock or funds of the said corporation, shall not exceed three hundred shares, and that the amount to be paid for each share or subscription, shall be ten dollars ; and that each stockholder shall be entitled to a number of votes according to the number of shares which he shall have or hold in his name, according to the following ratio, that is to say, every owner of one Election.

Capital stock.

10d. a share

Votes.

or more shares, to the number of five, shall have one vote for each share, and for every five shares thereafter, one vote.

Ferriage prohibited.

V. *And be it further enacted*, That it shall not be lawful for any person or persons to cross the said Lake Narrows or Fish-Creek, the outlet of the said lake, after the aforesaid bridge is completed, within one half mile of the said bridge, without paying to the corporation, for their use, the toll established by law; but it shall and may be lawful for any person or persons to pass and re-pass, with his and their own boat, or on the ice, without being subject to such toll.

Corporation when dissolved.

VI. *And be it further enacted*, That in case the said bridge shall not be erected, built or completed on or before the first day of May, in the year of our Lord one thousand eight hundred and twenty-two, then the corporation created by this act, shall be adjudged and considered as dissolved.

Toll.

VII. *And be it further enacted*, That it shall and may be lawful for the said corporation to demand, receive and take, for the use of the said bridge, a toll not exceeding the following rates, to wit: Every four wheeled pleasure carriage drawn by two horses, twelve and an half cents, if drawn by four horses, nineteen cents; every two wheeled carriage drawn by one horse, six cents, and if drawn by two horses, nine cents; every waggon and two horses, six cents, if drawn by four horses, twelve and an half cents; each sled and horses, six cents; each ox cart and two oxen, nine cents, each other yoke of oxen, three cents; every one horse cart, four cents; every one horse sled, four cents; every ox sled drawn by one yoke of oxen, nine cents, every other yoke of oxen, three cents; every man and horse, three cents; every foot passenger, one cent; every horse, jack or mule, two cents; every cow or other neat cattle, one cent; every hog, sheep or calf, one cent: *Provided always*, That the provision in this section shall not extend to the said James Green, nor any of his family or property to be drawn or conveyed across said bridge, nor to any single person to whom the right created by this provision may come by assignment from the said James Green, nor to the family or property of such assignee, to be drawn or conveyed as aforesaid.

Proviso.

Calls and shares may be forfeited.

VIII. *And be it further enacted*, That it shall and may be lawful for the said president and directors to demand and receive of each stockholder, all sums of money by them subscribed, or to be subscribed, at such times and in such proportions as they shall see fit, under pain of forfeiture of their shares, and of all previous payments thereon, to the said president directors and company.

Penalty for injuring bridge, &c.

IX. *And be it further enacted*, That if any person or persons shall wilfully do or cause to be done any act whatsoever, whereby the said bridge or any thing appertaining to the same, shall be impaired, weakened or injured, the person or persons so offending, shall forfeit and pay to the said company treble the amount of damages sustained by means of such offence or injury, to be recovered by the said company, in their corporate name, with costs of suit, and by action of debt, in any court having cognizance thereof; which action shall, in every instance, be considered as transitory in its nature, and shall and may be tried in any county in this state.

X. *And be it further enacted*, That the said bridge shall be built at least twenty feet wide, and be well covered with good plank, the sides of the said bridge to be secured with good substantial railings. Dimensions of bridge.

XI. *And be it further enacted*, That if the said bridge, after the same shall have been completed, shall at any time be impassable for the term of six months, that then the said corporation shall cease, and the same is hereby declared to be dissolved: *Provided always*, That no such dissolution of said corporation shall take place if the said bridge shall be carried away by ice, freshets or other unavoidable accident, in case the same shall be rebuilt within two years after the same shall have been so carried away. If bridge impassable for 6 months then, &c. Proviso.

XII. *And be it further enacted*, That it shall be the duty of the said president and directors, to make, or cause to be made, in the bridge hereby authorised to be erected, a draw or passage of at least sixteen feet wide, and the same to keep in repair at all times, and at all convenient and reasonable times, to raise or draw the same, for the purpose of permitting rafts of timber, logs or boards to pass through the said bridge; and if the said president or directors shall at any reasonable time neglect or refuse to lift, raise or draw the said bridge, for the purposes aforesaid, when thereunto required, for the space of one hour, such president and directors shall, for each and every such neglect or refusal, forfeit and pay to any person or persons injured by such neglect or refusal, the sum of five dollars, and the further sum of five dollars for every hour thereafter, in which the said president and directors shall so neglect and refuse, to be sued for and recovered in an action of debt, before any court having cognizance thereof, in the name and for the use of the person or persons so injured and prosecuting for the same. Draw or passage for rafts.

XIII. *And be it further enacted*, That this act be and is hereby declared to be a public act, and shall be construed benignly and favourably for every beneficial purpose herein intended. Public act.

CHAP. CCXXXIX.

AN ACT to open and improve a Road through Lands in the St. Regis Indian Reservation.

Passed April 14, 1820.

I. *BE it enacted by the People of the State of New-York*, 2000d. for a road, &c. represented in Senate and Assembly, That two thousand dollars be, and is hereby appropriated out of the avails of the lands which may hereafter be sold, belonging to the state, in the St. Regis reservation, for the purpose of opening and improving a road in the town of Fort Covington in the St. Regis reservation.

II. *And be it further enacted*, That said road shall be laid out and improved from the west line of the tract known by the name of the Mile Square, and running from thence to the west line of said reservation, in the direction, as nearly as may be, to the village of Massena, in St. Lawrence county. Now laid out.

Comptroller's
duty.

III. *And be it further enacted*, That the treasurer pay, on the warrant of the comptroller, to the commissioners appointed by this act, the money appropriated as aforesaid, out of the first monies from the sales as aforesaid.

L. Danforth
and others
commission-
ers.

IV. *And be it further enacted*, That Luther Danforth and William Hogan, be, and are hereby appointed commissioners for the purposes aforesaid, and that they shall give such security to the comptroller as shall be approved of by him, for their faithful performance in carrying this law into effect, and that the said commissioners shall be allowed two dollars per day when employed in laying out and improving said road.

Compensa-
tion.

CHAP. CCXL.

AN ACT further to amend an act appointing Commissioners to lay out a Road therein mentioned, from the House of John Fay, to the Stratford road, near Hankerson's Tavern, and for other purposes.

Passed April 14, 1820.

Preamble. WHEREAS it is represented that it is not likely that the eastern part of the said road will ever be open, and that heavy assessments are made on parts thereof in the town of Mayfield, in that case unnecessarily burthensome to that town : Therefore,

Part of road
annulled.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That all such part of the aforesaid road, from the house of John Marsh, in the town of Mayfield, to the eastern boundary of the said town, be and the same is hereby annulled, and that it shall be lawful for the officers of the said town, to apply any monies raised for payment of damages sustained on any part of said road so annulled, to defray the expenses of roads and bridges in the said town.

Penalty for
driving fast
over bridge,
&c.

II. *And be it further enacted*, That it shall not be lawful for any person or persons to ride or drive any beast or beasts on or over the bridge erected over the West branch of Hudson's river, at the Fish-house, in the town of Northampton, and county of Montgomery, faster than on a walk, on penalty of forfeiting for every such offence one dollar, with costs of suit, to be recovered by the commissioners of highways of the town of Northampton, or any one of them, in the name of their board, and to be by them applied to any repairs that may be necessary on said bridge ; which monies so to be recovered shall be accounted for annually with the general accounts of the said town : *Provided*, That no such penalty shall be recovered until a conspicuous notice of such penalty be first posted on each end of the said bridge.

Proviso.

CHAP. CCXLI.

AN ACT to incorporate the *American Society for ameliorating the condition of the Jews.*

Passed April 14, 1820.

I. *BE it enacted by the People of the State of New-York,* Corporation created.
represented in Senate and Assembly, That Elias Boudinot, and his associates, members of the said association, shall be, and are hereby constituted, a body corporate and politic, by the name of "The American society for ameliorating the condition of the Jews;" Style and general power.
 and shall, by that name, have perpetual succession, and shall be capable of suing and of being sued, of pleading and of being impleaded, of answering and of being answered unto, in all courts and places whatever; and may have a common seal, and may from time to time alter and change the same; and shall be capable of taking by devise or otherwise, and of holding and enjoying to them and to their successors, any lands, tenements or hereditaments, in fee simple or otherwise, and any goods, chattels and personal estate, and of granting, conveying or otherwise managing and disposing of the said real and personal estate, and any part thereof, at their will and pleasure: *Provided always,* Proviso. That the funds of the said society shall be used and appropriated for the purposes by this act intended, and for no other purposes whatsoever.

II. *And be it further enacted,* That the business of the said corporation shall be conducted by a board of directors, consisting of a president, twelve vice-presidents, a secretary for domestic correspondence, a secretary for foreign correspondence, a recording secretary, a treasurer, and such other persons as shall, according to the constitution of the said association, be constituted directors; and that the officers of the said society who are, by its constitution, to be elected by the members of the society, shall be chosen at the annual meeting of the society, or (in case the same shall not be held at the time appointed by the said constitution,) at a general meeting of the society, convened for that purpose by the chief officer of the society, by a majority of the members present, and shall hold their offices until the next annual meeting, and until others shall be elected in their room; and that all vacancies Vacancies. happening in the offices of the said society previous to the said election, shall be filled by appointment of the board of directors, until the next election; and that seven of the said directors shall constitute a quorum to transact its business.

III. *And be it further enacted,* That the board of directors of the said society shall have power to make such by-laws as they shall from time to time think proper for the management of the concerns of the said society, and of any settlement contemplated by them; and that the said society shall have power, at their annual meetings, to make such alterations in their constitution as shall be recommended by the board of directors, but no others: *Provided,* That nothing in this section contained shall be deemed to warrant any regulation or other thing inconsistent with the constitution and laws of this state or of the United States. Power to make by-law

First officers.

IV. *And be it further enacted*, That the following persons, chosen by the said society, shall be the officers thereof until the next annual meeting of the society in May next, and until others shall be regularly elected : Elias Boudinot, president ; John Q. Adams, Jeremiah Day, William Findlay, Ashbel Green, Herman Le Roy, John H. Livingston, Philip Milledoler, James Milnor, William Phillips, Robert Troup, Stephen Van Rensselaer, and James Wadsworth, vice-presidents : John B. Romeyn, secretary for domestic correspondence ; Alexander McLeod, secretary for foreign correspondence ; Paschal N. Strong, recording secretary ; Peter A. Jay, treasurer ; John Beekman, Garret N. Bleecker, John G. Bogert, Ebenezer Burrill, Isaac Carow, William B. Crosby, Richard Cunningham, Charles D'Espinville, Joseph Forsyth, Henry Gahn, George Griffin, Rensselaer Havens, George Hammelein, Isaac Heyer, William Howard, Garrit Hyer, Edward W. Laight, Zechariah Lewis, Samuel Macauley, John McComb, James Magee, Edward McLaughlin, John R. Murray, John Nitchie, Pe-latiah Perit, Benjamin W. Rogers, John W. Schmidt, Peter Sharpe, Abraham Van Nest, Hubert Van Wagenen, Jasper Ward, George Warner, Peter H. Wendover, Peter Wilson, William Wilson, and C. Zimmerman, directors.

Public act.

V. *And be it further enacted*, That this act shall be taken and deemed, and it is hereby declared to be, a public act ; and shall be construed favourably and benignly for every beneficial purpose therein intended ; and that no misnomer of the said corporation, in any grant, devise, bequest, or other conveyance, contract or instrument, shall vitiate or defeat the same, if it shall therein appear that the said corporation shall have been meant and intended.

Right reserved.

VI. *And be it further enacted*, That it shall be lawful for any future legislature to repeal this act.

CHAP. CCXLII.

AN ACT further to amend the Act for the Assessment and Collection of Taxes.

Passed April 14, 1820.

Defective returns how amendable.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That in cases of rejection by the comptroller of the returns of taxes upon any real estate, and that the supervisor of any town in this state, shall not be able to perfect the description of any real estate within his town, the returns of taxes on which shall have been so rejected by the comptroller, in time to have the same included in the assessment roll of the year in which rejected,* it shall be lawful for every such supervisor, or his successor in office, to complete such description in the following year ; and it shall be lawful for the board of supervisors in such year, to charge the land, when so described, with the rejected taxes thereon, and with the interest (if any) that shall have been charged upon such taxes by the comptroller, pursuant to the fifteenth section of the act hereby amended ; and such tax, or

* So in the engrossed bill.

taxes and interest, shall be considered as the tax of the year in which the descriptions of the land are perfected as aforesaid.

II. *And be it further enacted*, That whenever the description of any lands are perfected as aforesaid, and the arrearages of taxes thereon shall be returned to and admitted at the comptroller's office, it shall be the duty of the county treasurer to credit the arrearages of such taxes, or taxes and interest, to the towns respectively in which the lands lie, upon which the same were assessed, and to pay the same over to the supervisor for the use of the town. And to be admitted by comptroller.

III. *And be it further enacted*, That it shall not be lawful for any county treasurers to receive any commissions on the monies which may be received by the supervisors, overseers of the poor, commissioners of highways, or commissioners of common schools, in their respective towns, for town purposes. County treasurers not to receive certain commissions.

IV. *And be it further enacted*, That in case any farm, or lot, or piece, or parcel of land, shall be assessed to a resident, and that before the tax imposed in consequence of such assessment is collected, such farm, lot, piece or parcel of land shall become vacant, by the removal of the occupant thereof, it shall be lawful for the supervisor of the town, in which such land is situate, to add a description of such farm, lot, piece or parcel of land, to the assessment roll of the next year, and to charge the sum with the uncollected tax of the preceding year, and the same proceeding shall be had thereon in all respects, as if such tax were laid in the year in which the description is perfected. Taxes on lands becoming vacant.

V. *And be it further enacted*, That if any collector appointed, or to be appointed, for any town within this state, shall die, or remove out of his town, before he shall have entered upon or completed the duties for the year for which he was or shall be appointed, or shall by reason of sickness, or any other cause, be disabled from completing such duties, it shall be the duty of the supervisor and two of the justices of the peace of any town whose collector shall so die, remove out of the town, or be disabled from sickness or other cause, to appoint a collector for the remainder of the year, who shall thereupon be subject to the like duties and penalties, and have the same powers and be entitled to the same compensation, as the collector in whose place he was appointed; and such collector, so appointed, shall enter into a bond with like penalty and condition as other collectors are required by law to enter into; and so much of the act relative to the duties and privileges of towns, as relates to the appointment of a collector by three justices, be and the same is hereby repealed: And the warrant issued by the board of supervisors, shall be considered as giving the same powers to the collector, so appointed, as if such warrant had been directed to himself; and it shall be lawful for the supervisor of the town, if he shall deem it necessary and proper, under his hand and seal, to extend the time, not exceeding thirty days, for the collection of the taxes by the collector so as aforesaid to be appointed; and such supervisor shall forthwith give notice of such appointment and extension to the county treasurer: *Provided always*, That nothing herein contained shall be construed to exonerate or release the former collector or his sureties, from any liabilities incurred by him or them. Vacancies in the office of collector how filled.
Bond to be given.
Time extended.

Returns of
non-resident
taxes before
1819.

VI. *And be it further enacted*, That all returns of non-resident taxes, for the year one thousand eight hundred and nineteen, or of any previous year, made to the comptroller, shall be and the same are hereby declared valid, though such returns may not have been certified by the county treasurer, to be true transcripts from the original assessment roll : *Provided*, That the collectors of the several towns for which such returns were made, shall have sworn that the same are true transcripts as aforesaid.

Returns of
Genesee.

VII. *And be it further enacted*, That it shall be lawful for the comptroller now to receive the returns of arrears of taxes for the county of Genesee, for the year one thousand eight hundred and eighteen, the same not having been returned last year, within the time prescribed by law.

Returns of
Madison.

VIII. *And be it further enacted*, That the comptroller be authorised to receive the returns of arrears of taxes from the county of Madison, for the year one thousand eight hundred and nineteen, notwithstanding any informality in the oath of the several collectors.

A section re-
pealed.

IX. *And be it further enacted*, That the twenty-ninth section of the act hereby amended be, and the same is hereby repealed.

CHAP. CCXLIII.

AN ACT to amend the "*Act to vest certain Powers in the Freeholders and Inhabitants of the village of Canandaigua.*",

Passed April 14, 1820.

Preamble.

WHEREAS it is suggested by petitions from the inhabitants of the village of Canandaigua, that doubts exist upon the true construction of the third section of the act hereby amended, and the said petitions pray for a declaratory law, and for certain amendments in the said act : Therefore,

Certain pro-
ceedings con-
firmed.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That wherever the trustees of the village of Canandaigua, believing that they were authorised so to do, have heretofore levied taxes on the freeholders and inhabitants of said village, under and by virtue of the act hereby amended, for the improvement of said village, such acts and proceedings of said trustees are hereby confirmed : And it is hereby further declared and enacted, that no taxes shall hereafter, by virtue of said act, be levied, or monies raised, assessed and collected, for any of the purposes contemplated in and by said act, or of this act, without the consent and approbation of the freeholders and the legal voters of said village, or the major part of them, in open meeting, duly notified by the said trustees of said village, or the major part of them, in the manner prescribed in the act so amended.

Provision as
to impound-
ing, &c.

II. *And be it further enacted*, That the said trustees or the major part of them, as often as they shall make, ordain and publish any by-laws for restraining animals,* may be seized and im-

* So in the engrossed bill,—the words "may ordain that such animals," seem to be wanting before the words "may be seized,"—as it now stands, the meaning is entirely perverted.

pounded, and after reasonable delay may be sold at public vendue, to pay the penalties imposed for the violation of any such ordinance, together with costs and charges; and that in all suits brought, or to be brought, for the violation of any ordinance of the said trustees, it shall not be an objection to the jurors, or to the juror, officer summoning them, or to any witness, that he or they are inhabitants of the said village, or liable to pay taxes therein.

III. *And be it further enacted*, That nothing contained in the fourteenth section of the act hereby amended, shall be so construed as to compel any trustees of the said village to hold and exercise their office, after a majority of other and succeeding trustees shall have taken and subscribed the oath of office as such trustees; and that in case the number of trustees in the said village shall at any time be reduced below the number of five, by death, inability or refusal to serve, it shall be the duty of the remaining trustees of the said village,* qualified to vote for the purpose of filling such vacancies, and shall cause fourteen days notice of the time and place of such election to be published in the newspapers of the village; and such election shall be conducted in all respects in the same manner as is prescribed by the said act for the annual election of such trustees.

14th section of former act explained.

IV. *And be it further enacted*, That it shall be lawful for the trustees of the said village of Canandaigua, from time to time to renew warrants which have been legally issued for the collection of any taxes heretofore assessed by the said trustees or their predecessors, and which taxes are by this act confirmed, and which warrants† or to renew those which may be issued for the collection of any taxes imposed as aforesaid, by virtue of the act hereby amended, or of this act, from time to time, so often as such warrants shall not be returned, collected during the time prescribed by law.

Provision as to taxes.

V. *And be it further enacted*, That this act is hereby declared to be a public act, and shall be favourably construed in all courts for all beneficial purposes intended by this act: *Provided*, That the same may at any time be modified or repealed by the legislature.

Public act.

* So in the engrossed bill,—the words “to convene a meeting of the inhabitants of the said village,” before the word “qualify,” appear to be wanting;—this part of the section as it now stands, is unintelligible.

† So in the engrossed bill,—if the words “and which warrants” be omitted, the true meaning will probably be restored.

CHAP. CCXLIV.

AN ACT relative to County Loans.

Passed April 14, 1820.

I. *BE it enacted by the People of the State of New-York*, ^{Duty of old loan officers.} *represented in Senate and Assembly*, That it shall be the duty of the several old loan officers in this state, to deliver to the boards of supervisors of their counties, respectively, at their next annual meeting, all the books, mortgages and papers which in any way may relate to the loan of monies in their charge; and the said boards of supervisors shall give duplicate receipts for all such books,

New loan officers to give bonds.

mortgages and papers so received by them, one of which the said old loan officers shall transmit to the comptroller, and the said supervisors before receiving the said books, mortgages and papers, shall examine the state of the accounts of the said old loan officers, and shall specify in the said duplicate receipts the amount due on the mortgages so received by them, and the said boards of supervisors, respectively, shall deliver all such mortgages, books and papers, so received by them, from the said old loan officers to the new loan officers of their counties, respectively, taking their receipt therefor, which receipt shall be acknowledged or proved, and be recorded in the clerk's office of the county; and the said boards of supervisors, respectively, shall require of each of the said new loan officers to give bond to the people of this state, with such sufficient security as shall be approved by at least two thirds of the supervisors present, signified by signing such their approbation on the back of the said bond, which bond shall be in the full sum due on the mortgages recorded by the said supervisors from the said old loan officers, and transferred and delivered to the new loan officers, with condition for the true and faithful performance of his duty in respect to the said mortgages so as aforesaid, to be transferred without favor, malice or partiality.

And their powers and duties.

II. *And be it further enacted*, That the said new loan officers shall thereafter have the like power and authority in respect to the said mortgages or other securities so transferred and delivered to them, as the said old loan officers had, and shall be entitled to the like fees and compensation as the said old loan officers were, except as to the salaries received by the said old loan officers, which said salaries are hereby abolished; and the said new loan officers shall perform all the duties that the said old loan officers are now required by law to do and perform, and shall be subject to the like pains and penalties for neglect of duty or for corrupt conduct in the premises, as the said old loan officers are now subject to by law.

To keep an account.

III. *And be it further enacted*, That the said new loan officers shall keep an account of the monies they may receive for interest or principal of the mortgages or other securities so as aforesaid, to be transferred to them, separate from the monies they may receive on the mortgages or other securities, now in their charge and management, and when making payment of interest into the treasury of this state, they shall designate on which loan the same is paid.

Provision where counties are divided.

IV. *And be it further enacted*, That in cases where any county to which any loans may have been made pursuant to the act entitled "an act for emitting the sum of two hundred thousand pounds in bills of credit," passed April 18th, 1786, or the act entitled "an act for loaning monies belonging to this state," passed the 14th March, 1792, shall have been divided since the passage of the said respective acts, or that may hereafter be divided, any loss that has been or may be sustained in consequence of the default of the loan officers appointed or to be appointed pursuant to either of the said acts, for any such county, shall be raised, levied and collected in the several counties or territory which originally composed the county so divided, and any loss or deficiency which such original county is or may be subject to, in consequence of a de-

feet of title, or of the want of sufficient value of any premises mortgaged to either of the said loan officers, such loss or deficiency shall be raised, levied and collected in the county in which the mortgaged premises may be, and the supervisors of such county shall direct the same to be accordingly raised at their next annual meeting, after the amount of such loss or deficiency shall be certified to them by the loan officers.

V. *And be it further enacted*, That nothing in this act contained shall be construed to release the old loan officers or their sureties from any liabilities which they may have incurred or may incur on account of any neglect or misconduct of such old loan officers.

Old loan officers to be liable as formerly, &c.

VI. *And be it further enacted*, That the comptroller shall credit the account of the old loan officers of Ulster county with the amount of the loss occasioned by the default of the former old loan officers of said county, the supreme court of this state having decided against the state, upon an application for a mandamus to compel the supervisors to raise the money.

Comptroller's duty as to Ulster county.

VII. *And be it further enacted*, That the third section of the act entitled "an act further to extend the time for the payment of monies loaned by the loan officers and commissioners of loans," passed 12th March, 1819, be, and the same is hereby repealed.

A section repealed.

VIII. *And be it further enacted*, That in case of sale of any premises mortgaged to secure the payment of any loan made pursuant to the said act, passed the 18th April, 1786, or the said act of 14th March, 1792, no person shall appear to bid the sum due on such mortgage, and that the highest bid therefor shall, in the opinion of the loan officers, be below the real value of the same, it shall be lawful for the said loan officers to purchase such premises for the use and benefit of the county of which they are loan officers, and they shall sell or lease the same by order of, and under the direction of the board of supervisors.

Provision when no bidders at auction, &c.

IX. *And be it further enacted*, That it shall be the duty of the new loan officers of Orange county, forthwith to demand and receive from the old and the new loan officers of Ulster county, respectively, the mortgages which were by the act entitled "an act authorising the transfer of certain mortgages from the loan officers of Ulster county, to the loan officers of Orange county," passed 21st April, 1818, directed to be delivered to the old and new loan officers of Orange county, and the said new loan officers of Orange county shall give duplicate receipts for all such mortgages which they may receive, and the monies due or to grow due on the said mortgages, shall thereafter be payable to the said new loan officers of Orange county, who shall have the like powers and authority in respect to the said mortgages, as were granted, or intended to be granted by the said act, to the said old and the new loan officers of Orange county, respectively, and the board of supervisors of Orange county shall audit, allow and pay the account of the reasonable services and expenses of the said new loan officers of Orange county, in procuring the said mortgages; and in case either of the said loan officers of Ulster county shall refuse to deliver over the said mortgages, upon a demand being made therefor as aforesaid, they shall each forfeit and pay, for the use of the said

Duty of new loan officers of Orange county in respect to Ulster.

And of supervisors.

county of Orange, the sum of one thousand dollars, to be prosecuted and recovered at the suit of the board of supervisors of the said county of Orange, in the supreme court of this state.

CHAP. CCXLV.

AN ACT in addition to the several acts relative to *Escheated Lands*, and for other purposes.

Passed April 14, 1820.

Application
to be made in
one year.

Proviso.

Legal effect
of certain
writs.

Certain deeds
to be proved
or acknowl-
edged.

Duty of sec-
retary of
state.

I. *BE it enacted by the People of the State of New-York, re-presented in Senate and Assembly*, That no application for the purchase of escheated lands, by virtue of the act, entitled "an act for the relief of the occupants of military lands, which have escheated to the people of this state," passed April 13, 1819, shall be received by the commissioners of the land office, unless such application shall be made within one year after the title of the people of this state to such lands shall be perfected: *Provided how-ever*, That applications for the purchase of escheated lands, by virtue of the act aforesaid, which have already been recovered by the people of this state, and on which writs of possession were executed in the year 1819, may be made in one year from the passing of this act.

II. *And be it further enacted*, That the execution and return of writs of *habere facias possessionem* heretofore executed, and that shall be hereafter executed on any lands recovered by the people of this state, by virtue of the act, entitled "an act to amend an act, entitled 'an act directing circuit courts to be held in the counties of Oneida and Dutchess, and for other purposes,'" passed April 21, 1818, shall have the same force and effect as the execution and return of a writ of seizure, by virtue of the act, entitled "an act concerning escheats," passed February 25, 1813.

III. *And be it further enacted*, That no deed, conveyance or writing relating to the title or property of any lands, granted by this state as bounty lands, to the officers and troops of this state, who served in the army of the United States, executed on or before the first day of May, 1797, shall hereafter be read in evidence in any court of this state, unless the same be acknowledged or proved according to the provisions of the first section of the act, entitled "an act concerning deeds," passed the 12th day of April, 1813, any thing in the 7th section of said act, or any law to the contrary notwithstanding.

IV. *And be it further enacted*, That it shall be the duty of the secretary of state, to make and certify transcripts of the list of the dead of the several regiments in the line of this state, now on file in his office, and shall on or before the first day of May next, transmit a transcript so certified, to each of the clerks of the counties of Otsego, Cayuga, Oswego, Seneca, Cortland and Tompkins, to be by them filed in their respective offices, and such transcript shall be received as evidence in all courts, to the same extent and effect as the original would be, if produced.

V. *And be it further enacted*, That whenever the attorney-general shall be informed, or have reason to suspect that any person has died seised of any real estate within this state, without making any demise thereof, and having no heir capable of inheriting the same, it shall and may be lawful for him to try the title of the state to such real estate, in an action of ejectment to be brought for the recovery thereof, in which action, the judgment and proceedings shall in all respects be similar to those now in use in the supreme court of this state : *And further*, That final judgment, when obtained in said action, shall have the like effect upon the title, and be of similar force with the judgment upon a traverse of an inquisition mentioned in the fourth section of the act, entitled "An act concerning escheats," passed 25th of February, 1813, any law, custom or usage to the contrary notwithstanding : *And further*, That the execution and return of any writ of habere facias possessionem on any such judgment, shall have the same force and effect as the execution and return of a writ of seisure, by virtue of the said act concerning escheats : *Provided however*, That no such action shall be brought to trial when the lands are occupied, nor shall judgment be taken therein, when the said lands are vacant, until three months notice shall have been published, by order of the commissioners of the land-office, in the paper printed by the printer to this state, and also in one public newspaper printed in the city of New-York, and also in one paper printed in the county where the said lands shall be situated, or in an adjoining county, when there is no paper printed in the said county, stating in the said notice, the proceedings which have been had for the recovery of the said lands, and giving a description of the same.

Duty of attorney-general.

VI. *And be it further enacted*, That it shall be lawful for the supreme court by rule, to order the taking of the testimony of any aged or infirm witness, in any action brought by or upon the demise of the people of this state, in the same manner that would be done if the suit was between individuals.

Testimony of aged and infirm witness.

VII. *And be it further enacted*, That the act, entitled "An act to perpetuate the testimony of witnesses in certain cases," shall be deemed to extend to all cases for the recovery of any lands in which the people of this state are parties or lessors ; and that all notices required by said act, shall be served upon the attorney-general in the same manner they are required thereby to be served on the parties, or those expected to become parties, or their attorneys ; but no testimony shall be perpetuated by virtue of this section, unless the same shall be taken before some proper officer residing in the city of Albany, in the city of New-York, or the village of Auburn, unless in cases in which the attorney-general shall consent to the taking of such testimony before an officer residing elsewhere.

A certain act to perpetuate testimony, extended.

Notice to be served on attorney-general.

Albany, N. York, Auburn &c.

VIII. *And be it further enacted*, That any action of ejectment, which has been, or may be hereafter commenced, under and by virtue of the act, entitled "An act directing circuit courts to be held in the counties of Oneida and Dutchess, and for other purposes," to recover any lands situate in the several counties of Cortland, Tompkins, Seneca and Oswego, may be tried in either of the counties of Oneida or Cayuga, whenever the attorney-general and the attorney for any defendant shall agree thereto in

Certain ejectments may be tried out of the counties where lands lie.

writing, which agreement shall be filed in the office of one of the clerks of the supreme court ; and every trial of any such action as aforesaid, shall be deemed and taken in all courts and places to have the like effect and validity as if such trial were had in the county where such lands are situated.

Certain part
of an act re-
pealed.

Provide.

IX. *And be it further enacted*, That so much of the act, entitled "An act for the relief of the occupants of military lands, which have escheated to the people of this state," as authorises or requires the addition of interest to the ascertained value of the land, shall be and the same is hereby repealed : *Provided*, That if a recovery shall have been had by the people of this state, against the occupant, he shall pay the costs of such suit before he shall be entitled to the benefit of this section : *And provided also*, this section shall be deemed to extend to those cases only in which judgment shall pass for the people of the state against such occupant or occupants, by default or by confession.

Mortgage and
proof, &c. to
be filed in se-
cretary's of-
fice.

X. *And be it further enacted*, That in all cases where the attorney-general shall sell any land by virtue of any mortgage to the people of this state, it shall be his duty to file every such mortgage, with the proof of the notice of sale, in the secretary's office, and it shall be the duty of the comptroller to file in the secretary's office, all such mortgages and proofs of notice of sale, as were heretofore filed in his office by the attorney-general ; and the said mortgages and proofs, when so filed in the secretary's office, shall become matter of record, and exemplifications thereof shall be received as evidence in all courts of this state.

Land-office
to issue a pa-
tent to N.
Case's wi-
dow, &c.

XI. *And be it further enacted*, That the commissioners of the land-office be, and they are hereby authorised and required to issue letters patent to the widow of the late Colonel Norris Case, for the farm on lot number sixty-three, of the original division of the township of Pompey, of which he died possessed, being about eighty acres, on her paying, or causing to be paid into the treasury of this state, within one year from the passing of this act, the sum of two dollars per acre.

CHAP. CCXLVI.

AN ACT making an appropriation for the support of the New-York and Auburn State-Prisons, and for other purposes.

Passed April 14, 1820.

15,000dls. for
New-York
state-prison.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the treasurer of this state shall, on the warrant of the comptroller, pay to the agent of the state-prison at New-York, a sum not exceeding fifteen thousand dollars, in such sum and sums, at such time or times, as a majority of the inspectors may require, for the support of the institution.

44,000dls. for
Auburn state-
prison.

II. *And be it further enacted*, That the treasurer of this state shall pay, on the warrant of the comptroller, to the agent of the state-prison at Auburn, a sum or sums not exceeding twenty thousand five hundred dollars, to be expended upon the said building

and work shops, and the further sum of twenty-three thousand seven hundred dollars for the general support of the said prison, according to law : *Provided*, That the drafts of the said agent shall be countersigned by a majority of the inspectors of said prison, and shall not at any time exceed the sum of five thousand dollars for either of the aforesaid appropriations, over and above the amount actually paid out by the said agent : *And provided further*, That the appropriation of last year be first disbursed, and the account settled to the satisfaction of the comptroller ; and in like manner, after each warrant, no subsequent warrant shall be drawn until the previous amount be actually expended, and the accounts therefor settled to the satisfaction of the comptroller.

Proviso.

Further Proviso.

III. *And be it further enacted*, That the treasurer of this state shall, on the warrant of the comptroller, pay to John Morse, Francis Cooper and James Campbell, commissioners appointed by a concurrent resolution of the senate and the assembly of this state, of the last session of the legislature, the sum of four hundred dollars, for their services and expenses as such commissioners.

400d. payable to J. Morse and others

IV. *And be it further enacted*, That there shall be allowed to the officers and servants of the state-prison in the city of New-York, the following annual salaries and compensation instead of the compensation now allowed by law: To the agent of the prison, the sum of one thousand five hundred dollars ; to the clerk of the prison, the sum of six hundred dollars ; to the principal keeper, the sum of one thousand five hundred dollars ; to the deputy keeper, the sum of six hundred dollars ; to the assistant keepers, each five hundred dollars ; to the superintendent of the weaving factory, seven hundred and fifty dollars ; to the sergeant, twenty-two dollars per month ; to the privates, eighteen dollars per month.

Annual salaries at N. Y.
Agent 1500d.
Clerk 600
Pr. keep. 1500
Dp. keep. 600
Each assist. keeper 500
Sup. weaving 750
Serg. 22d. per month.
Private 18.

V. *And be it further enacted*, That there shall be allowed to the officers and servants of the state-prison at Auburn, instead of the compensation now allowed by law, the following annual salaries and compensations : To the agent and keeper, the sum of eight hundred dollars ; to the clerk of the prison, the sum of four hundred and fifty dollars ; to the deputy keeper, the sum of four hundred and fifty dollars ; to the turnkeys, each three hundred and fifty dollars ; to the captain of the guard, the sum of twenty-five dollars per month ; to the drummer, fifer, and privates, eighteen dollars per month.

At Auburn.
Agent and keeper 800d.
Clerk 450
Dp. keep. 450
Each turnkey 350
Capt. guard 25d. pr mo.
Drummer &c. 18 per mo.

VI. *And be it further enacted*, That the sergeant appointed, or to be appointed, to the guard of the state-prison at New-York, shall perform all the duties in every respect, as required by law of the captain or commandant, which officer shall not hereafter be appointed, and that the number of privates enrolled shall not exceed twenty.

Sergeant at N. Y. to perform duty of captain.

CHAP. CCXLVII.

AN ACT to exempt the persons therein mentioned from the performance of Military Duty.

Passed April 14, 1820.

Persons having
conscien-
tious scruples,
&c. exempt

Proviso.

Certain sec-
tions repeal-
ed.

Certificate to
be procured.

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the members of any religious society, who shall, from scruples of conscience, be averse to the bearing of arms, shall be and they are hereby excused, in time of peace, from the performance of military duty, and from the payment of all, or any commutation for the same, any law to the contrary notwithstanding: *Provided*, the person or persons claiming such exemption, shall make oath or affirmation, before any justice of the peace or other magistrate, that they are religiously and conscientiously opposed to the bearing of arms.

II. *And be it further enacted*, That the forty-second and forty-third sections of the act, entitled "An act to organize the militia," passed April 21, 1818, be, and the same are hereby repealed.

III. *And be it further enacted*, That any person claiming exemption from military service, shall, in addition to the oath or affirmation required by the first section of this act, on or before the first day of May, in each year, produce to the captain or commanding officer of the company in the beat in which such person shall reside, a certificate signed by the clerk of the religious society to which such person belongs, certifying that such person is a member of such society, in good standing.

CHAP. CCXLVIII.

AN ACT for continuing the State Tax for one year.

Passed April 14, 1820.

Tax of 1 mill
on the dollar.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That a tax of one mill upon each dollar of the valuation of the real and personal estate within this state, shall, for the term of one year, be raised, levied and collected in the manner directed in and by the act, entitled "an act authorising the levying and collecting an annual tax for two years, for the use of this state, and to amend the act for the assessment and collection of taxes," passed the 24th of October, 1814.

CHAP. CCXLIX.

AN ACT for the payment of certain Officers of Government.

Passed April 14, 1820.

I. *BE it enacted by the People of the State of New-York, re-* Allowance to the chaplains 3d. pr. diem.
presented in Senate and Assembly, That the treasurer pay, on the warrant of the comptroller, to each of the several clergy who shall have attended the legislature as chaplains, during the present session of the legislature, the sum of three dollars for every day they may have so attended, and that the number of days each shall have attended, shall be certified by the president of the senate or the speaker of the assembly.

II. *And be it further enacted,* That the treasurer shall pay, on the warrant of the comptroller, to Aaron Clark, such sum or sums of money as shall be certified by the comptroller to be justly and reasonably due to him for his services, rendered in obedience to the resolution of the assembly of the 8th April, 1819, concerning the reports, proceedings and doings of the committee of claims, and of privileges, and of elections, and an alphabetical digested index of the laws of the state : *Provided,* That the secretary of state shall certify that he is satisfied with the execution and compilation of the said digested alphabetical index. A. Clark for certain services. Proviso.

III. *And be it further enacted,* That the treasurer shall pay, on the warrant of the comptroller, to John H. Whipple, assistant door keeper to the house of assembly, the same pay that is or may be provided by law for the door-keeper to the house of assembly. Assistant door-keeper.

IV. *And be it further enacted,* That the treasurer shall pay, on the warrant of the comptroller, to John Bryan, one dollar for each day that Henry Latham has attended upon, and served the house of assembly ; and to Dolly Dewitt, one dollar for each day that John Dewitt has attended upon, and served the house of assembly, to be appropriated for the benefit of the said Henry Latham and John Dewitt. J. Bryan and D. Dewitt.

V. *And be it further enacted,* That the comptroller shall draw his warrant on the treasurer in favor of Peter Gansevoort, for thirty dollars, to reimburse him for so much paid by him for printing three hundred copies of the amendments to the militia act, and for a military register and letter book. P. Gansevoort.

VI. *And be it further enacted,* That the sum of two thousand one hundred and five dollars and forty-six cents, be, and the same is hereby appropriated for the preservation of the works and fortifications belonging to the state on Staten-Island, and for the payment of any accounts now due and unpaid, for services rendered, and materials found in erecting said works ; and the comptroller shall issue his warrant for the same, on the order of the person administering the government of this state. Works at Staten-Island.

VII. *And be it further enacted,* That the comptroller be, and he is hereby authorised to draw on the treasurer quarterly for the present year, ending on the first day of May, one thousand eight hundred and twenty-one, for the payment of the necessary clerks required in his office : *Provided,* the same shall not exceed three Comptroller's clerks.

thousand five hundred dollars, in lieu of the existing provisions by law for that object.

Gov. for incidental expenses.

VIII. *And be it further enacted*, That the treasurer pay, on the warrant of the comptroller, to the person administering the government of this state, to defray the incidental expenses of administering the same, a sum not exceeding seven hundred and fifty dollars; *Provided*, That he shall account with the comptroller for the expenditure thereof.

C. Crandall and A. Vail.

IX. *And be it further enacted* That the treasurer shall pay, on the warrant of the comptroller, to Clark Crandall and Abraham Vail, members of the assembly, the same compensation as is allowed to other members of the legislature, for the whole of the present session, notwithstanding the absence of the said Clark Crandall and Abraham Vail, the said members having been prevented from attending the house at the commencement of the session by sickness.

Joint resolution concerning manufactures.

X. *And be it further enacted*, That the treasurer pay, on the warrant of the comptroller, the expenses necessarily incurred in the printing and publishing the joint resolutions of the senate and assembly of the present session, concerning manufactures.

J. Cronk.

XI. *And be it further enacted*, That the treasurer of this state shall pay, on the warrant of the comptroller, to James Cronk, Esquire, sheriff of Niagara county, the sum of five hundred and seventy-eight dollars and ninety-nine cents, in full satisfaction for the expenses of the said sheriff and those under his command, in removing certain intruders from Grand Island, in the month of December last.

Witnesses is Judge Van Ness' case.

XII. *And be it further enacted*, That the treasurer pay upon the warrant of the comptroller, to the several witnesses who were summoned before the select committee of the assembly, who were directed to enquire into the official conduct of the honorable William W. Van Ness, the sum due such witnesses for their attendance and expenses, agreeably to the account certified by the chairman of the said committee, and audited by the committee, and audited by the comptroller; and that the said treasurer pay in like manner, to the chairman of the said committee, the amount of the several accounts to be certified and audited as aforesaid, of Peter A. Jay, Charles Cornell, Alexander Smith and James Shaw, for services in summoning the said witnesses, and for their expenses in making affidavits of the due service of the summonses upon them; and also, that the said treasurer in like manner pay to the said chairman the account of the said committee for their actual expenditures in relation to the said inquiry, to be certified and audited as aforesaid, as likewise to Lemuel Glidden, twelve and an half cents per folio of seventy two words each, for engrossing the minutes of the testimony taken before the said committee, his account to be certified and audited as above directed.

And for summoning them.

For certain other expenditures.

A. V. Vechten & J. Duer.

XIII. *And be it further enacted*, That the treasurer pay to Abraham Van Vechten and John Duer, Esquires, counsel appointed on behalf of the assembly, in relation to the said inquiry, the sum of five hundred dollars each, for their professional services.

Ann. salary to judge of probates.

XIV. *And be it further enacted*, That a salary of three hundred dollars be allowed to the judge of the court of probates, in

quarter yearly payments, for the ensuing year, to be paid to him by the treasurer, on the warrant of the comptroller.

XV. *And be it further enacted*, That the treasurer shall pay, on the warrant of the comptroller, to the clerk of the assembly, the sum of five hundred dollars, and to the clerk of the senate, the sum of five hundred dollars, in addition to the sum allowed them, respectively, as a salary; and that the said sums, if received by the said clerks, shall be in lieu of any compensation for their daily attendance, and for that of their deputies and assistants, or any compensation for any specific services during the present session of the legislature. Clerks of the assembly and senate.

XVI. *And be it further enacted*, That the treasurer pay, on the warrant of the comptroller, to the clerks of the senate and assembly, such sum of money as may be required to carry into effect the joint resolution of the senate and assembly, for purchasing four copies of Binns' declaration of independence. Binns' declaration of independence.

XVII. *And be it further enacted*, That the treasurer pay, on the warrant of the comptroller, to the clerk of the senate, such sum as shall be certified by the president of the senate, for a carpet, procured for the senate chamber during the last summer; and also, such sums as shall be certified by him, for the contingent expenses of the last extra term of the court for the correction of errors. Carpet in senate chamber and contingent expenses of court of errors.

XVIII. *And be it further enacted*, That the same compensation be, and the same is hereby allowed to Martin Van Buren, as has been allowed Thomas J. Oakley and Nathan Williams, Esquires, commissioners under the act entitled "an act relative to claims of John Jacob Astor, on certain lands in the county of Putnam, and that the comptroller draw his warrant on the treasurer for the same. M. V. Buren.

XIX. *And be it further enacted*, That there shall be allowed to the superintendent of the Salt-Springs, a salary of three hundred dollars. Salary of superintendent of Salt Springs.

XX. *And be it further enacted*, That the treasurer pay to the president of the senate and the clerk of the senate, on the warrant of the comptroller, the same compensation for their attendance at the last extra session of the court for the correction of errors, as was allowed them the next preceding session of the legislature. President and clerk of court of errors.

XXI. *And be it further enacted*, That the treasurer shall pay, on the warrant of the comptroller, to James Wynkoop, door-keeper to the council of appointment, the sum of thirty-two dollars for his extra expense in attending the council of appointment in the city of New-York, in June and July last. J. Wynkoop.



L A W S
OF THE
STATE OF NEW-YORK,
PASSED AT THE
FORTY-FOURTH SESSION
OF THE
LEGISLATURE,
BEGUN AND HELD AT THE CITY OF ALBANY,
The Seventh day of November, 1820.



ALBANY :
PRINTED BY CANTINE AND LEAKE,
PRINTERS TO THE STATE,
FOR WEBSTERS & SKINNERS, AND WM. GOULD.
.....
1821.



L A W S
OF THE
STATE OF NEW-YORK,

PASSED THE FORTY-FOURTH SESSION OF THE LEGISLATURE,
BEGUN AND HELD AT THE CITY OF ALBANY, THE
SEVENTH DAY OF NOVEMBER, 1820.

CHAP. I.

AN ACT *in addition to the act, entitled "An act for the final settlement of the Accounts of the late Governor of this State, passed April 13, 1819."*

Passed November 15, 1820.

WHEREAS it appears to the legislature that difficulties have arisen between the comptroller and Daniel D. Tompkins, late governor of this state, as to the true construction of the act to which this act is an addition, and that in consequence of such difference the final settlement of the accounts between the said Daniel D. Tompkins and this state has been prevented : *And whereas* the said Daniel D. Tompkins, to avoid further controversy in the premises, and to effect a final settlement of the said accounts, did, on the thirteenth day of April last, file in the office of the secretary of this state, an instrument in writing, of which the following is a copy.—

"Whereas in and by an act of the legislature of the state of New-York, entitled "An act for the final settlement of the accounts of the late governor of this state," passed April 13, 1819, it is provided that allowances be made to Daniel D. Tompkins on the current monies borrowed and obtained by him, and by him expended and disbursed in the public service ; and also that the treasurer of this state do pay, on the warrant of the comptroller, the balance, (if there should any be found) due to the said Daniel D. Tompkins, late governor as aforesaid, on the final settlement of his accounts : **NOW KNOW ALL MEN BY THESE PRESENTS,** That for the purpose of removing all doubts as to the construction of the law, and in consideration of one dollar, the said Daniel D. Tompkins hath remised, released, and for ever quit claimed, and by these presents doth remise, release, and for ever quit claim, unto the said state of New-York, and the good people thereof, all balance, claim, demand, and sum, or sums of money, due, owing, and belonging to the said Daniel D. Tompkins, under and pursuant to said act, over and above the claim and demand of the said state against him the said Daniel D. Tompkins. In witness whereof the said Daniel D. Tompkins hath hereunto set his hand and seal, the

sixth day of April, in the year of our Lord one thousand eight hundred and twenty. Daniel D. Tompkins, (L. S.) Sealed and delivered in presence of Walter Bowne and Isaac Q. Leake."— And whereas the said instrument fully releases and relinquishes the claim and right of the said Daniel D. Tompkins to any balance which on his construction of the act might be found due to him : *And whereas* the legislature consider the compromise proposed by the said Daniel D. Tompkins, of his claim under the said act, as just and liberal as it regards the people of the state, and that it would be for their interest to accept thereof. Therefore,

Duty of secretary of state,

and of the comptroller,

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be the duty of the secretary of this state to file the said instrument signed by the said Daniel D. Tompkins, in the office of the comptroller of this state ; whereupon he, the said comptroller, is hereby directed to execute a release of all claims and demands on the part of this state, against the said Daniel D. Tompkins, for all monies drawn from the treasury of this state, on his warrant, or received by him during the time he administered the government thereof, and thenceforth the accounts between the state of New-York and the said Daniel D. Tompkins, shall be balanced and settled, and shall be so stated and credited by the said comptroller.

CHAP. II.

AN ACT for the relief of William W. Baldrige.

Passed November 15, 1820.

Compromise authorized.

Provide.

Certain laws applied.

I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the trustees of the town of Romulus, in the county of Seneca, or their successors in office, shall be and they are hereby authorized and empowered to make such compromise with William W. Baldrige, with regard to that portion of the gospel and school lot in said town, purchased by the said Baldrige, by receiving back the title thereof or otherwise, as shall be deemed by them most beneficial to the interest of the gospel and school fund of that town : *Provided however,* The said trustees shall not exercise the powers above granted until so directed by a vote of the town, at their annual or special town meeting hereafter to be regularly convened.

II. And be it further enacted, That the provisions of existing laws on that subject, shall apply to the land to be re-conveyed by the said Baldrige by virtue of this act, in the same manner as if the title to the same had not been conveyed by the said trustees.

CHAP. III.

AN ACT to enable John Strachan and John Strachan, junior, to take, hold and convey Real Estate.

Passed November 17, 1820.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That John Strachan and John Strachan, junior, late of Aberdeenshire, in the kingdom of Great Britain, and now inhabitants of this state, shall be and are hereby enabled to take real estate within this state, either by deed, descent or purchase, and to hold and dispose of the same in like manner as natural born citizens; and that the title to any lands, tenements or hereditaments heretofore demised to, or purchased or acquired by them or either of them, shall not be impeached or defeated by reason of his or their alienage, but the same are hereby vested in them respectively, and their respective heirs and assigns, in like manner as if the said John Strachan, and John Strachan, junior, had been natural born citizens.

Parties enabled to hold real estate.

CHAP. IV.

AN ACT for the relief of William Gilliland.

Passed November 17, 1820.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the treasurer shall pay, on the warrant of the comptroller, to William Gilliland, the sum of two hundred and forty dollars and seven cents, it being the balance of his account as assistant commissary of military stores for the eastern district.

240d. 7c. payable to W. Gilliland.

CHAP. V.

AN ACT relative to the Goshen and Minisink Turnpike Road Company.

Passed November 18, 1820.

I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the president and directors of the Goshen and Minisink turnpike road company shall have full power and lawful authority to assess and levy on the present stock of the said company, a sum not exceeding ten dollars on each share of the stock.

10d. on each share of present stock.

II. And be it further enacted, That as soon as the said president and directors shall ascertain the amount of the debts due from the said company for finishing and completing the said road, they shall give notice, stating the amount of the tax levied and the time and place when and where the same is to be paid, not less

Tax how collected.

than three months from the time of publishing said notice, and unless the said tax is paid at the time specified, the said shares on which such tax remains due, will be sold at public vendue, subject to redemption for the space of two years, which notice shall be published in two of the newspapers printed in the county of Orange, once in each week, for six weeks successively.

III. *And be it further enacted*, That in case any stockholder or person entitled to stock, shall refuse or neglect to pay such tax so assessed on their respective shares, at the time specified in such notice, then and in that case the said president and directors shall proceed to sell at public vendue, to the highest bidder, such share or shares on which the said tax is unpaid, (subject to the said tax,) and on receiving the purchase money and tax due thereon, the president shall give a certificate, countersigned by the treasurer, stating the amount of the purchase money and tax, subject to a redemption for the space of two years, with interest thereon, at the rate of seven per cent. per annum, and that the stockholders shall be at liberty at any time within the said two years, to redeem the said stock at the rate aforesaid; and in case the same is not redeemed then the said president and directors shall after the end of the said two years, make out certificates to the purchasers for the stock so purchased, and the original certificate shall be void.

IV. *And be it further enacted*, That the said monies so to be collected, shall, when received by the president and directors, be applied to the payment of the debts of the said company, and to no other purpose.

CHAP. VI.

AN ACT for the relief of John Gridley, junior.

Passed November 18, 1820.

Preamble.

WHEREAS it appears that in the year one thousand eight hundred and sixteen, two reputed commissioners for inspecting turnpike roads for the county of Schoharie, directed a turnpike gate to be opened on the western branch of the Schoharie turnpike road, of which John Gridley, junior, is toll gatherer, until said road should be repaired: *And whereas* the said toll gatherer, some time thereafter was permitted by one of the said reputed commissioners, to shut said gate and take toll, which said commissioner, it now appears, was not legally authorised to act, in consequence of not taking the oath of office prescribed in the act, entitled "An act concerning turnpike roads," several suits have been commenced against said toll gatherer for shutting said gate and taking toll: Therefore,

J. Gridley,
jun. discharged
from cer-
tain suits.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall not be lawful for any person after the passing of this act, to prosecute John Gridley, junior, for having taken toll at said gate, or for any penalty that he may have incurred as a toll gatherer as aforesaid, from the time of opening said gate as aforesaid, until it was shut by the direction of a legal commissioner, and toll permitted to be taken.

CHAP. VII.

AN ACT for the relief of Thompson Mead.

Passed November 20, 1820.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the treasurer of this state, on the warrant of the comptroller, pay to Thompson Mead, the sum of fifty-one dollars and eight cents costs, advanced by him as one of the commissioners for loaning money in the county of Chenango.

51d. 8c. payable to T. Mead.

CHAP. VIII.

AN ACT to cede the Jurisdiction of certain Land at the mouth of the Genesee River to the United States.

Passed November 20, 1820.

I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the commissioners of the land-office be and they are hereby authorised and required to cede to the United States the title and jurisdiction of this state to so much land in lot number two, in township number fourteen, in the seventh range of townships in the county of Ontario, on the east bank of the Genesee river, at its intersection with Lake Ontario, as they shall deem necessary for the purpose of erecting a light house thereon, not to exceed six acres in the whole: *Provided*, That such cession shall not impede or prevent the execution of any process at law under the authority of this state, except against the real or personal property of the government of the United States.

Certain lands ceded to the U. State.

Proviso.

II. And be it further enacted, That the property so ceded shall be exonerated and discharged from any taxes which may be imposed under the authority of this state, while the said land shall remain the property of the United States, and while the same shall be appropriated to the purpose intended by this act, and not otherwise.

Property ceded free from taxes.

CHAP. IX.

AN ACT relative to the Circuit Courts in the counties of Dutchess and Orange.

Passed January 22, 1821.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That instead of the times appointed by the supreme court at the last October term thereof, for holding the circuit courts in the counties of Dutchess and Orange,

April 18, circuit court in Dutchess, and April 21, in Orange.

the same shall be held in the county of Dutchess on Monday the sixteenth day of April next, and in the county of Orange on Monday the ninth day of April next,

CHAP. X.

AN ACT to amend the act, entitled "*An act to increase the stock of the President, Directors and Company of the Mohawk Bridge and Ballston Turnpike Road Company.*"

Passed January 22, 1821.

Preamble. WHEREAS the president, directors and company of the Mohawk bridge and Ballston turnpike road have omitted to hold their last anniversary election, and the president and directors elected in one thousand eight hundred and nineteen, having through inadvertence proceeded to execute the act, entitled "*An act to increase the stock of the president, directors and company of the Mohawk bridge and Ballston turnpike,*" and have received proposals for rebuilding their said bridge, over the said Mohawk river, on the said turnpike road, but by reason of the aforesaid premises their authority to enter into a contract for rebuilding the said bridge is rendered questionable; for remedy whereof,

Certain officers continued in office.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the said president and directors shall be and hereby are continued in office until the next anniversary election after the passing of this act, and that all their acts and proceedings by virtue of the last above recited act, shall be and hereby are declared valid.

CHAP. XI.

AN ACT to prohibit Fishing in certain Ponds in the county of Dutchess.

Passed January 22, 1821.

Fish how taken in certain waters.

I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall not be lawful for any person or persons between the first day of May, one thousand eight hundred and twenty-one, and the first day of August, one thousand eight hundred and twenty-three, to take any fish by means of any sein or seins, net or nets, hook or hooks, in the pond commonly called Brown's pond, in the town of Clinton, and in the pond owned by Michael D. Pultz, in the town of Rhinebeck, in the county of Dutchess.

Penalty.

II. And be it further enacted, That if any person or persons shall take any fish contrary to the provisions of the preceding section, such person or persons, each and every of them, shall forfeit the sum of fifteen dollars for each and every offence, to be sued for and recovered by any person who will prosecute for the same, in an action of debt, in his own name, with costs of suit, in any court of this state having cognizance of the same.

FORTY-FOURTH SESSION.

CHAP. XII.

AN ACT to amend the act for the Repacking and Inspection of Beef and Pork.

Passed January 22, 1821.

BE it enacted by the People of the State of New-York, re- Certain beef and pork free from inspection.
presented in Senate and Assembly, That no person exporting or shipping beef or pork to either of the provinces of Upper or Lower Canada, by the way of the lakes, or of the river St. Lawrence, shall be compelled to have the same inspected by any inspector within this state, any thing in the act, entitled "An act for the repacking and inspection of beef and pork," to the contrary notwithstanding; and that the penalty imposed by the thirteenth section of the act aforesaid, shall not be applied to any such exportation.

CHAP. XIII.

AN ACT to repeal part of an act, entitled "An act relative to the Alms-House and Bridewell and City Prison, in the city of New-York."

Passed January 22, 1821.

BE it enacted by the People of the State of New-York, re- Superintendent of alms-house in office during pleasure, &c.
presented in Senate and Assembly, That so much of the sixth section of the act, entitled "An act relative to the alms-house and bridewell and city prison in the city of New-York," as provides that the superintendant of the alms-house shall hold his office for the term of seven years, if he shall be so long of good behavior, and removable during that period for corrupt or mal-practice, or disability solely, and for no other cause, be and the same is hereby repealed: *And further,* That the superintendant of the alms-house shall hold his office only during the pleasure of the mayor, aldermen and commonalty of the city of New-York.

CHAP. XIV.

AN ACT to revive and continue in force and operation an act, entitled "An act relative to Incorporations for Manufacturing purposes," passed March the 22d, 1811.

Passed January 26, 1821.

BE it enacted by the People of the State of New-York, re- Act revived.
presented in Senate and Assembly, That an act, entitled "An act relative to incorporations for manufacturing purposes," passed on the twenty-second day of March, in the year of our Lord one thousand eight hundred and eleven, be hereby revived and continued in full force and operation, any thing contained in any other law to the contrary notwithstanding.

CHAP. XV.

AN ACT to amend an act, entitled "An act relative to the General Society of Mechanics and Tradesmen of the city of New-York," passed April 3, 1811.

Passed January 26, 1821.

Preamble.

WHEREAS the general society of mechanics and tradesmen of the city of New-York, have, by memorial, set forth that in their act of incorporation, passed on the 3d of April, 1811, they are restricted from appropriating any part of the funds of the said society to any other purposes, (excepting certain necessary and incidental expenses,) than the support of indigent members of the said society, or the widows and children of any person having been a member, and having prayed for such an alteration or amendment of the said act of incorporation, as may authorise them to appropriate a part of their funds to the support of a school for the gratuitous education of the children of deceased or indigent members of the said society, and also to the establishment of an apprentices' library, for the use of the apprentices of mechanics in the city of New-York : Therefore,

Funds for a school and library.

I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the general society of mechanics and tradesmen of the city of New-York be and they are hereby authorised and empowered to appropriate such part of their funds as may by them be deemed expedient, to the establishment and maintenance of a school for the education of the children of indigent or deceased members of the said society, and also to the establishment and support of an apprentices' library, for the use of the apprentices of mechanics in the city of New-York, any restriction or limitation in the act, entitled "An act relative to the general society of mechanics and tradesmen of the city of New-York," passed April 3, 1811, to the contrary notwithstanding.

Certain monies how payable.

II. And be it further enacted, That the commissioners of school money for the city and county of New-York, shall and they are hereby authorised and directed to pay to the treasurer of the general society of mechanics and tradesmen of the city of New-York, annually, from the monies which shall be paid to the said commissioners, by the chamberlain of the said city, in pursuance of the fourth section of the act, entitled "An act supplementary to the act, entitled an act for the establishment of common schools," passed March 12th, 1813, such proportion of the said monies as the number of children gratuitously taught in the school so established by the said society, shall bear to the whole number of children taught free of expense in the several other schools of the city and county of New-York, which are or hereafter may be by law entitled to a proportion of the monies arising from the general school fund.

CHAP. XVI.

AN ACT for the relief of Ezra Cloyes.

Passed January 26, 1821.

WHEREAS Ezra Cloyes, the gaoler of the county of Madison, ^{Preamble.} in the year eighteen hundred and nineteen, erected a barn on the public land belonging to the said county, for the use and benefit thereof; and whereas the said Ezra hath exhibited his account for building said barn to the board of supervisors of said county, who admitted the justness of the same, and that he ought to receive the sum of ninety dollars from said county for erecting said barn, but that they were not authorised to allow said account, or to make any appropriations for the payment thereof, unless empowered by an act of the legislature: Therefore,

BE it enacted by the People of the State of New-York, ^{90dis. to be collected and paid to E. Cloyes.} represented in Senate and Assembly, That the said board of supervisors of said county of Madison, are hereby authorised and required to raise the sum of ninety dollars by a tax, at their next annual meeting, as the other contingent expenses of the said county are assessed, levied and collected, and cause the sum of ninety dollars to be paid to the said Ezra Cloyes, by the tenth day of February, in the year of our Lord one thousand eight hundred and twenty-two.

CHAP. XVII.

AN ACT to divide the town of Clinton, in the county of Dutchess.

Passed January 26, 1821.

I. BE it enacted by the People of the State of New-York, ^{Town of Hyde-Park erected.} represented in Senate and Assembly, That from and after the last day of March next, all that part of the town of Clinton, lying west of the following line, to wit: Beginning in the north line of the town of Poughkeepsie, at the southeast corner of the water lots of the Nine Partners' patent, from thence along the east line of the said water lots to the northeast corner thereof, and thence in the same course until it intersects a line running due east from the southeast corner of the farm of John Le Roy, then due west to the said southeast corner of the farm of the said John Le Roy, then along the south line of the said farm of the said John Le Roy to the Crum-elbow creek, then up said creek to the line of the town of Rhinebeck, shall be known and distinguished as a separate town, by the name of Hyde-Park, and that the first town meeting in said town shall be held at the house of Philip Bogardus, on the first Tuesday of April next.

II. And be it further enacted, That the remaining part of the said town of Clinton shall be divided into two separate towns by ^{Town of Pleasant Valley erected.} the following division line, to wit: Beginning on the west line of the town of Washington, in the corner made by lots number five and six, in the great division of the Nine Partners' patent, and

running westerly along said lot line, until it intersects the east line of the aforesaid town of Hyde-Park, and that the north of the two last mentioned towns shall be known by the name of Clinton, and that the first town meeting in said town shall be at the house of John F. Schultz, Esq. on the first Tuesday in April next; and that the south of the two last mentioned towns shall be known by the name of Pleasant-Valley, and that the first town meeting in said town last mentioned, shall be held at the house of Cyrus Berry, on the first Tuesday in April next.

Poor and money divided.

III. *And be it further enacted*, That as soon as may be after the said first Tuesday in April next, the supervisors and overseers of the poor of the towns of Hyde-Park, Clinton and Pleasant-Valley, upon notice to be previously given by the supervisors of the said towns for that purpose, shall meet and divide the poor and money belonging to the said town of Clinton, previous to the division thereof, and agreeable to the last tax list, and that each of the said towns shall for ever thereafter respectively support their own poor.

Provision to the removal of poor per-sons.

IV. *And be it further enacted*, That in case any pauper shall be removed by an order from any town in this state, other than the said towns of Hyde-Park and Pleasant-Valley, to the said town of Clinton, and the proper authority of the said town of Clinton shall think proper to remove such pauper or paupers to either of the said towns of Hyde-Park or Pleasant-Valley, the town to which such pauper shall be removed from the town of Clinton, shall not upon an appeal from such order of removal be permitted to avail themselves of the order made upon the said town of Clinton, as a defence against such order.

CHAP. XVIII.

AN ACT requiring the Register in and for the city and county of New-York to appoint a Deputy.

Passed January 26, 1821.

A deputy register to be appointed.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be the duty of the register in and for the city and county of New-York, to keep some proper person deputy register of the said city and county, during the pleasure of the said register, and as often as such deputy register shall die, or be removed from office, or remove out of the said city and county, or become incapable of executing the office, another shall be appointed in his place, by writing, under the hand and seal of the said register; and every such deputation or appointment shall be recorded in the office of the clerk of the said city and county of New-York, which said deputy register shall, in case of the death of the said register, perform all the duties and receive the emoluments appertaining to the said office of register, and be subject to the same penalties that the register of said city and county would be liable to if living, until a new register be appointed and duly sworn.

His duties.

CHAP. XIX.

AN ACT to perpetuate certain Testimony respecting the Title of the Pulteney Estate, in this State.

Passed January 26, 1821.

WHEREAS it is represented to the legislature that Sir Wil-^{Preamble.} liam Pulteney, late of London, in the united kingdom of Great Britain and Ireland, deceased, was, in his life time, and at the time of his death, seised of a large real estate in the western district, and in other districts of this state; that the said Sir William died intestate, leaving Henrietta Laura Pulteney, his only child, to whom the said estate descended as his heiress at law; that the said Henrietta died seised of the said estate, but also intestate, leaving Sir John Lowther Johnstone, her cousin, to whom the said estate descended as her heir at law; and that the said Sir John died seised of the said estate, having first made his will, whereby he devised the said estate to certain persons in fee, but in trust nevertheless for certain uses, intents and purposes in the said last will particularly expressed and declared: *And whereas*, large parcels of the said estate have, at various times, in the course of many years past, been sold by the agents of the Pulteney family, as well to actual settlers on the lands, as to others: *And whereas*, in suits, both at law and in equity, wherein the title to the said estate shall be either directly or incidentally drawn into question, it is necessary to prove, by living witnesses, the several deaths, descents and heirships above particularly mentioned: *And whereas*, it is also represented to the legislature, that the said several proprietors of the said estate were all British subjects, and resided and died in the said United Kingdom; and the only living witnesses, well qualified to prove the said deaths, descents and heirships, and residing in this state, are Robert Troup, Joseph Fellows and John Greig, of the county of Ontario. *And whereas*, neither the supreme court, nor the court of chancery of this state, has competent authority to perpetuate the testimony of the said witnesses so as to entitle it to be read as evidence in all suits at law and in equity, which may hereafter be depending in this state, and in which the title to the said estate may either directly or incidentally come in question; nor does the existing act, granting authority to perpetuate the testimony of witnesses in certain cases, apply to the case. *And whereas*, the magnitude of the said estate,—the numerous titles held under the Pulteney family,—the residence and death of the several proprietors in a foreign country,—the few witnesses well qualified to prove the deaths, descents, and heirships of the said proprietors,—and the importance of the Pulteney title to the peace, quiet and welfare of a very respectable portion of the citizens of this state,—form an extraordinary case, which, in the opinion of the legislature, calls for its special interposition: Wherefore,

I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the chief agent of the said Pulteney estate, in pursuance of this act, and in the name of the trustees of the said estate, to

Proceedings to be instituted in chancery, and how conducted.

present a petition to the chancellor of the state, praying leave to examine Robert Troup, Joseph Fellows and John Greig, of the county of Ontario, in perpetuum rei memoriam, relative to Sir William Pulteney's seisin of the said estate, his death without will, the descent of the estate to Henrietta Laura Pulteney, her seisin of the estate, her death without will, the descent of the estate to Sir John Lowther Johnstone, his seisin of the estate, and his death after first making his will. *And further*, That after the presenting of the said petition, it shall be the duty of the chancellor, and he is hereby required, to settle the form of the interrogatories to be put to the said witnesses, and to direct their examination according to the course and practice of the court of chancery.

Duty of the
chancellor.

II. *And be it further enacted*, That if the chancellor, after the examination of the witnesses has been duly taken, shall be of opinion that their depositions furnish good prima facie evidence of the facts therein set forth, then and in such case, it shall be also the duty of the chancellor, and he is hereby further required, to pronounce such opinion ; and thereupon to order the original interrogatories and depositions, to be filed in the office of the register of the court of chancery, there to remain as matters of perpetual record.

Certain de-
positions de-
clared to be
prima facie
evidence.

III. *And be it further enacted*, That copies of the depositions so as aforesaid taken and filed, when certified by the register of the court of chancery, and having the seal of the court thereto affixed, shall and may, at all times hereafter, and in all courts as well of law as of equity, in this state, be received and read as prima facie evidence of the facts in the said depositions set forth, in all suits which may be depending in the same courts, and in which the title of the said Pulteney estate may be the point in issue, or in which the title by reason of any matter incidental to the point in issue, may be drawn into question.

CHAP. XX.

AN ACT to amend an act, entitled "*An act concerning the New-York Firemen Insurance Company*," passed February 27, 1818.

Passed January 26, 1821.

Preamble.

WHEREAS the New-York firemen insurance company have represented to the legislature, that by reason of the calamitous and destructive fires that have lately taken place in the cities of Augusta, Savannah and Wilmington, and various other detached fires in the southern states and other places, the said company has sustained very heavy losses, so that their capital is now reduced to three hundred thousand dollars, and praying for a reduction of their capital stock from five hundred thousand dollars, to three hundred thousand dollars, and that the name or title of the said New-York firemen insurance company, be changed to the name or title of the Hope Insurance Company : Therefore,

Capital re-
duced to
300,000dls.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall be lawful for the New-York firemen insurance company to reduce the amount of

its capital stock, from five hundred thousand dollars, to three hundred thousand dollars, and that from and after the time when such reduction shall be resolved on and decreed by the board of directors, for the time being, of said company, a share in the capital stock thereof shall be fifteen dollars.

II. *And be it further enacted*, That from and immediately after the time when such reduction shall be resolved on and decreed in the manner mentioned in the preceding section of this act, the name or title of the said New-York firemen insurance company, shall be changed to the name or title of "The Hope Insurance Company," and that the stockholders in the said company shall be and continue, and are hereby declared to be a body corporate and politic, by the name and style of the Hope Insurance Company, and that they and their successors, by such name, shall and may, until the second day of March, in the year of our Lord one thousand eight hundred and thirty-three, have continued succession, and shall have power and be capable of suing and being sued, pleading and being impleaded, defending and being defended, answering and being answered unto, in all courts and judicatures whatsoever, and also of contracting and being contracted with, relative to the purposes, objects and business of said corporation, and shall and may continue to have a common seal, and alter or destroy, and renew the same at pleasure.

Corporate
style Hope
Insurance Co.

General pow-
ers.

III. *And be it further enacted*, That the said corporation shall have power and authority to make contracts of insurance with any person or persons, body politic or corporate, against loss or damage by fire, of or to any house or houses, building or buildings, or goods or chattels, or personal estate, and also to make all kinds of marine insurance, and to loan money on bottomry, respondentia, or mortgage of real estate and chattels real, and generally to do and perform all matters and things relating to the said objects, and shall and may have and exercise all the powers and authorities which are by law vested in the said corporation of the New-York firemen insurance company: *Provided*, That nothing in this act contained shall in any way be construed to grant banking powers.

Specified
powers as to
contracts of
insurance,
&c.

Proviso.

IV. *And be it further enacted*, That the present directors and president of the New-York firemen insurance company shall be and continue under this act until the second Monday of December next, and until others shall be duly chosen in their place and enter upon the duties of their office.

Present off-
cers.

V. *And be it further enacted*, That the act, entitled "An act to incorporate the firemen of the city of New-York, as an insurance company," passed the second day of March, one thousand eight hundred and ten, and the act, entitled "An act to amend the act, entitled an act to incorporate the firemen of the city of New-York," passed the thirty-first day of March, one thousand eight hundred and fifteen, and the act, entitled "An act concerning the New-York firemen insurance company," passed the twenty-seventh day of February, one thousand eight hundred and eighteen, and all and singular the powers and provisions therein contained, shall be and hereby are continued in force, and made applicable and shall apply to the said corporation.

Certain acts
declared in
force.

VI. *And be it further enacted*, That all claims, debts, demands, contracts and liabilities, which shall or may exist against the said

Liability of
corporation
to former
debts, &c.

New-York firemen insurance company, shall and may be prosecuted, recovered, claimed and demanded against the said New-York firemen insurance company, in the same manner as if this act had not been passed.

Public act.

VII. *And be it further enacted*, That this act shall be deemed and taken to be a public act, and shall be liberally construed to effect the ends and purposes hereby intended and contemplated.

CHAP. XXI.

AN ACT to appoint a Treasurer of this State.

Passed January 29, 1821.

B. Knower
appointed
treasurer.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That Benjamin Knower be, and he is hereby appointed treasurer of this state, to remain in office until the twelfth day of February, in the year of our Lord one thousand eight hundred and twenty-two.

CHAP. XXII.

AN ACT relative to the Phenix Bank.

Passed January 29, 1821.

Preamble.

WHEREAS the president and directors of the Phenix bank have, by their petition under their common seal, represented to the legislature that in consequence of various losses sustained by them, their capital is so far deficient as to prevent them from carrying on their business with advantage to their stockholders without legislative aid, and have prayed relief in the premises : Therefore,

Capital reduced to
500,000dls.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the president and directors of the Phenix bank to reduce the capital stock of the said bank from seven hundred thousand dollars, to five hundred thousand dollars, at such time or times, and in such manner, and subject to such regulations, as the president and directors of the said bank may prescribe and adopt.

CHAP. XXIII.

AN ACT to amend an act, entitled " An act to incorporate the Fulton Fire Insurance Company in the city of New-York."

Passed January 29, 1821.

Number of
directors.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be lawful for the directors of the Fulton fire insurance company in the city of New-York, from time to time to elect such number of directors of the

said company, in addition to the number now authorised by the act hereby amended, as they may think proper, not exceeding nine in the whole, who shall hold their offices until the then next annual election of the directors of the said company: *And further;* That at every such annual election the stockholders shall elect, in addition to the number of directors mentioned in the act hereby amended, such number as may be elected by the directors in pursuance of the provisions of this act.

CHAP. XXIV.

AN ACT in relation to the Old Loan-Office in the county of Suffolk.

Passed January 29, 1821.

BE it enacted by the People of the State of New-York, re- Duties of supervisors of Suffolk.
presented in Senate and Assembly, That if any of the monies heretofore loaned in the county of Suffolk, pursuant to the act, entitled "An act for emitting the sum of two hundred thousand pounds in bills of credit," passed April 18th, 1786, and the several acts mending the same, shall be paid into the hands of the loan-officers of the said county, it shall and may be lawful for the board of supervisors of said county, by resolution, to direct the said loan-officers not to reloan the same, and in that case it shall be the duty of the said loan-officers to pay the same within sixty days thereafter into the treasury of this state, or into such bank in the city of New-York, as the comptroller shall, for that purpose, Duty of comptroller. designate, to be placed to the credit of the people of the state of New-York, any thing in the act before mentioned, or the several acts amending the same, to the contrary notwithstanding.

CHAP. XXV.

AN ACT to extend the Gaol Liberties in the county of Genesee.

Passed February 3, 1821.

BE it enacted by the People of the State of New-York, re- Village of Batavia, &c. included in the limits.
presented in Senate and Assembly, That the gaol liberties in the county of Genesee, be and the same are hereby extended so as to include the whole plot of the village of Batavia, together with such part of the lot on which the state arsenal stands, as will be included by a direct line from the northwest corner to the northeast corner of said village plot, and that the village plot and part of the arsenal lot as aforesaid, shall be and remain the gaol liberties in and for the county of Genesee, any law, regulation, or usage, to the contrary notwithstanding.

CHAP. XXVI.

AN ACT to extend the time for completing the Johnstown Turnpike Road.

Passed February 2, 1821.

1st Jan. 1825,
given, &c.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the time for completing the said turnpike be and the same is hereby extended to the first day of January, which will be in the year of our Lord one thousand eight hundred and twenty-five.

CHAP. XXVII.

AN ACT in addition to the act for the relief of the settlers on the lands lately purchased by this state of the Stockbridge Indians, passed March 3d, 1820.

Passed February 2, 1821.

1st Jan. 1825,
time allowed,
&c.

Proviso.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the time limited in the act aforesaid for complying with the conditions thereof, be and the same is hereby extended to the first day of January next: Provided, That the settlers on the said land shall pay interest at the rate of six per centum per annum on the purchase money of their respective lots, from the third day of May, one thousand eight hundred and twenty, to the time they shall respectively comply with the conditions of sale.

CHAP. XXVIII.

AN ACT for the relief of Caleb Whitford and William H. Osterhoudt.

Passed February 2, 1821.

C. Whitford
dischar. from
a certain
judgment.

I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That Caleb Whitford, of Homer, in the county of Cortland, be and he is hereby released, acquitted, and for ever discharged from all liability to the people of this state for the one moiety of the judgment or fine of four hundred dollars, recovered against him at the suit of Amory Kinney, who sued as well for himself as for the people of the state of New-York, under the act, entitled "An act to prevent and punish champerty and maintenance," and which said judgment was recovered at the August term of the supreme court, in the year one thousand eight hundred and eighteen.

Comptroller
to discharge
H. Osterhoudt.

II. And be it further enacted, That the comptroller be and he is hereby directed to cancel and fully discharge the bond executed to the people of this state, for the sum of two hundred and seventy

dollars, with interest, by William H. Osterhoudt, for the consideration money for the purchase of lot number four, in the Fish-creek reservation, at the surveyor-general's sales, in the year one thousand eight hundred and seventeen, and the judgment obtained thereon is declared to be discharged on his delivering up to the comptroller to be cancelled, the surveyor-general's certificate given to him for the said purchase : *Provided*, That the costs of the prosecution upon the said bond, be paid by the said William H. Osterhoudt.

CHAP. XXIX.

AN ACT for the relief of certain persons in possession of lands which have escheated to the People of this State.

Passed February 2, 1821.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall be the duty of the surveyor-general to appoint three disinterested persons to appraise all lot number seventy-nine, in the town of Scipio, in the county of Cayuga, (excepting the one hundred acres, called the state's hundred, and fifty acres, called survey fifty,) and determine what its value was, independent of all improvements, at the time that Jacob Shephard commenced his improvements on said lot, and to apportion the same among the present occupants, viz. Isaac Harris, Benjamin Almy, Jedediah Morgan, Eleazer Carter, and Silas Hutchinson, junior, according to the then value of the parts by them respectively possessed, and upon the payment of such sum into the treasury of this state, with interest from the time of the appraisal, and the costs of such appraisal, within one year, the commissioners of the land-office shall issue letters patent to Benjamin Almy, Jedediah Morgan, Eleazer Carter, Silas Hutchinson, junior, and Isaac Harris, their heirs and assigns for ever, for the parts which they severally possess of the lot aforesaid : *Provided*, The before named persons shall pay the taxable costs of prosecuting the escheat aforesaid.

Lot 79 Scipio to be appraised.

J. Harris, &c. to have patents on certain conditions.

Proviso.

II. *And be it further enacted*, That it shall be the duty of the commissioners of the land-office, to grant letters patent to Hannah Ward, her heirs and assigns, for that part of lot number eighty-one, in Brutus, (now in the town of Mentz,) in her possession, containing about twenty-six acres, bounded south by the line of the lot, and east by the state's hundred acres of said lot, upon the said Hannah Ward's paying into the treasury of this state, within one year, with interest from the time of the appraisal, the value of said land, in the year one thousand eight hundred, according to the appraisal of John McFadden, Nathaniel Garrow, and Archibald Green, appointed by the commissioners of the land-office to appraise said lot.

Land office to issue patent to H. Ward, &c.

LAWS OF NEW-YORK.

CHAP. XXX.

AN ACT authorising the sale of Lot Number One, in the town of Scipio.

Passed February 2, 1821.

Lot No. 1,
Scipio, how
disposed of,
&c.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That the supervisor of the town of Scipio, and the commissioners, Glen Cuyler, James Wood, and Wilber Dennis, who hold their office in pursuance and by virtue of "An act relative to the lots of land, reserved for the support of the gospel and schools, and for the promotion of literature, in the military tract in the county of Otsego," passed March 23, 1798, or their successors in office, may sell and dispose of lot number one, in the town of Scipio, to the occupants of the lot, giving to each a title according to their respective rights, at a price not less than ten dollars and seventy-two cents per acre, payable in ten equal annual payments, with interest annually, secured by bond and mortgage on the premises respectively: *Provided however,* That it shall not be lawful to foreclose any of the mortgages when the annual interest is paid, until the last payment shall become due.

Proviso.

Monies to be
loaned, &c.

II. *And be it further enacted,* That it shall be the duty of the supervisors and commissioners, or their successors, in office, whenever the whole or any part of the principal sum arising from the sale of the lot aforesaid, shall come into their hands, to loan and secure the payment of the same, on freehold estate, free from all incumbrances, of double the value of the money so to be loaned, exclusive of buildings.

Interest how
applied.

III. *And be it further enacted,* That the interest arising from the avails of the sale of the lot aforesaid, shall be applied to the use and benefit of common schools in the town of Scipio, in the same proportion and manner which the public money is now distributed in said town, under the act for the support of common schools.

CHAP. XXXI.

AN ACT for the relief of the Union Bridge Company.

Passed February 9, 1821.

Preamble.

WHEREAS the president and directors of the Union Bridge Company, have erected an expensive bridge across the Hudson river, which greatly accommodates the public, and since such erection, improvements in the navigation of said river, authorised by subsequent acts of the legislature, have had a tendency to lessen the income of said bridge, and the said president and directors, to secure to them a reasonable compensation for their money expended, have, by their petition, prayed that the licensing and use

of any ferry near said bridge may be prohibited, and it appearing reasonable to grant such request : Therefore,

I. *BE it enacted by the People of the State of New-York, re-* No ferry al-
lowed after a
certain time.
presented in Senate and Assembly, That it shall not be lawful for the courts of common pleas in and for the counties of Albany, Rensselaer and Saratoga, or either of them, after the present license granted by the court of common pleas of the said county of Saratoga, to Henry Williams, shall terminate, to license the exercise of any ferry ; neither shall it be lawful for any person or persons to keep or use any ferry within two miles of the bridge aforesaid, during such times as the said bridge shall be passable, and in case any person or persons, shall, after the termination of the said license to the said Henry Williams, keep or use any ferry, contrary to the intention of this act, he or they shall forfeit for every such offence, the sum of five hundred dollars, to be sued for and recovered, by and in the name of the said company, for their own use, in an action of debt, in any court having cognizance thereof, Penalty. which action shall be transitory in its nature.

II. *And be it further enacted,* That it shall and may be lawful for the said Henry Williams, or his assignee, to surrender the said license to him granted as aforesaid, to keep and tend a ferry across the Hudson river, between the towns of Waterford and Lansingburgh, and that thereupon the recognizance entered into by him to keep such ferry, shall be cancelled. H. Williams
to have a cer-
tain ferry, &c.

III. *And be it further enacted,* That from the first day of May, till the first day of December, in each year, in the cases hereinafter mentioned, the toll for crossing the said bridge shall be reduced to the following rates, to wit : Every waggon the box of which is not Toll of bridge
reduced. hung on springs, jacks, or thorough braces, drawn by two horses, twelve and an half cents, every additional horse four cents ; each ox waggon or cart, drawn by two oxen, twelve and an half cents, and for each additional yoke of oxen, six cents ; every one horse cart or waggon, twelve and an half cents : every chair, chaise, gig, or sulkey, drawn by one horse, twelve and an half cents. Toll:

IV. *And be it further enacted,* That it shall be lawful for the legislature, at any time hereafter to repeal this act. Rights re-
served.

CHAP. XXXII.

AN ACT for the relief of David Cook.

Passed February 9, 1821.

WHEREAS David Cook, of Smithfield, in the county of Madison, in pursuance of an act of the legislature, passed April 1st, 1799, executed, together with Aaron Clark and Robert Whipple, his sureties, a bond to the people of this state, conditioned for the payment, to the heirs of Jacob Dennis, deceased, the sum of four hundred and thirty-three dollars and fifty-four cents, the value, with interest, of a moiety of the preemption right, to lot number eighteen, in the the third allotment of New-Petersburgh, formerly leased to the said David Cook and Jacob Dennis : Preamble. *And whereas the*

' said David Cook has since paid to Adam Dennis, Eve Dennis, Ezra Stewart, and Polly, his wife, the only heirs of the said Jacob Dennis, the full amount of the condition of said bond, but the said bond, upon diligent search cannot be found : Therefore,

D. Cook, &c.
bond discharged.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the said David Cook, Aaron Clark, and Robert Whipple, their, and each of their heirs, executors, and administrators, shall be and are hereby exonerated and discharged, of and from all liability to the people of this state, upon said bond, as fully as if the same had been duly cancelled.

CHAP. XXXIII.

AN ACT to alter the time of holding Town Meetings in the Towns therein mentioned.

Passed February 9, 1821.

1st Tuesday
of March cer-
tain town
meet. held.

I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the annual town meetings of the freeholders and inhabitants of the towns of Plattsburgh and Beekmantown, in the county of Clinton ; and Cicero and Camillus, in the county of Onondaga ; and Niagara, in the county of Niagara ; and the town of Rushford, in the county of Allegany, shall in future be held on the first Tuesday in March of every year ; and that all such town officers of the said respective towns, whose duty it is to meet on the last Tuesday in March, shall meet on the last Tuesday in February in every year, to do and transact such business as to their respective offices may appertain.

1st Tuesday
of April in
Bergen.

II. And be it further enacted, That from and after the passing of this act, the annual town meetings in the town of Bergen, in the county of Genesee, shall be held on the first Tuesday of April ; and that the present town officers of the said town of Bergen, be and are hereby continued in their respective offices, from and after the last Tuesday in February next, until the first Tuesday in April thereafter ; and that the next town meeting in said town of Bergen, shall be held at the house of Timothy I. Hart, in said town ; and that such of the town officers, whose duty it is to meet on the day previous to said town meeting, to do and transact such business as to their respective offices may appertain, shall annually hereafter meet for the transaction of the aforesaid business, on the last Tuesday of March.

CHAP. XXXIV.

AN ACT erecting a new Town from parts of Fishkill and Beekman, in the county of Dutchess.

Passed February 9, 1821.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That from and after the last day of March next, all that part of the town of Fishkill, lying north of a line commencing at the fording place on the Wappingers creek, nigh the house of the late Samuel Thorne, deceased, from thence running easterly to the division line between Fishkill and Beekman towns, ten chains southerly of the house formerly owned by ——— Palmer, and now in part occupied by John Arther; and all that part of the town of Beekman, lying west of a line commencing at the point on the division line between Fishkill and Beekman, where the east and west line aforesaid, in Fishkill, will intersect said division line of Beekman and Fishkill, running from thence northeasterly to a point two chains distance, due east from the northeast corner of the house of Seneca Vail, built by Doctor Saffin, (provided it includes the house of Elisha C. Barlow, if not, thence commencing at the point aforesaid, on the division line of Beekman and Fishkill aforesaid, and running from thence to, and including the house of Nicholas Tyce, from thence to the point aforesaid, two chains distance, due east from the northeast corner of the house of the said Seneca Vail,) from thence on either of the courses last aforesaid, as may be determined by actual survey, to the Washington town line, shall be known and distinguished as a separate town by the name of Freedom; and that the first town meeting in the said town of Freedom, shall be held at the house of William Wolven, in said town, on the first Tuesday in April next.

Town of Freedom created.

II. *And be it further enacted,* That the remaining part of the town of Fishkill, shall be and remain a separate town by the name of Fishkill, and the first town meeting shall be held at the usual time and place, in said town of Fishkill.

Remainder called Fishkill.

III. *And be it further enacted,* That the remaining part of the town of Beekman, shall be and remain a separate town by the name of Beekman, and the first town meeting shall be held at the usual time, at the house of Martin Buck, jun. in said town of Beekman.

Beekman.

IV. *And be it further enacted,* That as soon as may be after the first Tuesday of April next, the supervisors and overseers of the poor, of the towns of Fishkill and Freedom, upon notice to be previously given by the supervisor of the town of Fishkill for that purpose, shall meet and divide the poor and money, debts and credits, belonging to the town of Fishkill previous to the division thereof, agreeable to the last tax last.

Division of poor, &c.

V. *And be it further enacted,* That as soon as may be after the first Tuesday of April next, the supervisors and overseers of the poor of the towns of Beekman and Freedom, upon notice to be previously given, by the supervisors of either of the said towns, for

The like.

that purpose, shall meet and divide the poor and money, debts and credits, belonging to the said town of Beekman previous to the division, agreeable to the last tax list, and that each and every of the aforesaid towns, shall for ever thereafter respectively support their own poor.

As to removal of paupers.

VI. *And be it further enacted*, That in case any pauper, or paupers, shall be removed by an order from any town in this state, other than the town of Freedom, to either of the towns of Fishkill or Beekman, and the proper authority of either of the said towns of Fishkill or Beekman, to which said pauper or paupers may be removed as aforesaid, shall think proper to remove such pauper or paupers to the said town of Freedom, the town of Freedom shall not, upon an appeal from such order of removal, be permitted to avail themselves of the order made upon either of the said towns of Fishkill or Beekman as aforesaid, as a defence against such order so made by Fishkill or Beekman as last aforesaid.

CHAP. XXXV.

AN ACT for the relief of Harry Sears, collector of the town of Concord, in the county of Niagara.

Passed February 9, 1821.

Preamble.

WHEREAS Harry Sears, collector of the town taxes in and for the town of Concord, in the county of Niagara, owing to the unusual scarcity of money, has not, with his utmost exertions, been able to complete the collection of the taxes of said town, within the time prescribed by law : Therefore,

H. Sears allowed time to make returns.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the time now allowed by law to town collectors of taxes to make their returns to the county treasurer, shall be and is hereby extended to Harry Sears, collector as aforesaid, to the first day of May next ; and the said collector shall continue to have and exercise all the powers and privileges in relation to his office, that he possessed previous to the day on which he should have made his returns : *Provided however*, That the said collector shall not be allowed the relief granted by this act until he shall have renewed his bond to the supervisor of the said town of Concord, with one or more sureties, to be approved of by the said supervisor, in double the amount of his tax list, conditioned for the true and faithful execution of the duties of his office, and for the due return of monies by him collected, and also for the due return of all lands on which the taxes remain due and unpaid on the said first day of May next.

Penalty.

CHAP. XXXVI.

AN ACT concerning the Erie and Champlain Canals.

Passed February 9, 1821.

WHEREAS in the prosecution of the great western and north-^{Preamble.}
ern canals, experience has not only demonstrated the practicabil-
ity of their construction, but so far as any portions of them have
been completed, their unquestionable utility : *And whereas*, it is
of great importance to the interests of this state, that the whole
should be finished and made productive, without any unnecessary
delay, and at a period when all circumstances are highly favour-
able to their progress. Therefore in consideration of the great
advantages which offer at the present time, in the cheapness and
abundance of labour, and in the low rate at which money may be
obtained for the accomplishment of these interesting and useful
works :—

I. *BE it enacted by the People of the State of New-York,* ^{200,000dols.}
represented in Senate and Assembly, That the commissioners of ^{authorized to}
the canal fund be and they are hereby empowered, in addition to ^{be borrowed.}
the loans already authorised by law, to borrow, from time to time,
during the years one thousand eight hundred and twenty-one, and
one thousand eight hundred and twenty-two, monies on the credit
of the state, at a rate not exceeding six per cent. per annum, and
not exceeding one million of dollars in each year, for which monies
so to be borrowed, certificates of stock shall be issued in the man-
ner directed in and by the act, entitled “ An act to improve the
funds,” and to provide for the redemption of the funded debt of this
state,” payable at such time or times, as may be determined by
the said board, out of the canal fund, and to pay to the canal com-
missioners the monies so to be borrowed, to be applied in the same
manner and proportion as already provided for by law : *Provided,* ^{Provide.}
That it shall not be lawful for the commissioners of the canal fund
to make loans under this act, beyond such amount as for the pay-
ment of the interest thereof the canal fund at the time shall be
deemed ample and sufficient.

II. *And be it further enacted,* That it shall be lawful for the
two houses of the legislature, by concurrent resolution, to appoint ^{An addition-}
an additional canal commissioner, and that the commissioner so ^{al canal com-}
appointed, as well as the present commissioners, shall hold their ^{missioner to}
respective offices during the pleasure of the two houses of the le- ^{be appointed,}
gislature, subject to be removed by concurrent resolution of the ^{and duration}
two houses. ^{of office, &c.}

III. *And be it further enacted,* That it shall be lawful for the
two houses of the legislature, by concurrent resolution, to appoint ^{Nine apprai-}
three appraisers on the eastern section of the Erie canal, and three ^{sers to be ap-}
appraisers on the western section of the Erie canal, and three ap- ^{pointed. (See}
praisers on the Champlain canal, and that the appraisers so ap- ^{act reducing}
pointed, as well as the present appraisers shall hold their respec- ^{salaries, &c.)}
tive offices during the pleasure of the legislature, subject to be
removed by concurrent resolution of the two houses.

Bonds required to be given.

IV. *And be it further enacted*, That it shall be the duty of each and every canal commissioner, already appointed, to superintend the making and constructing of either of the Erie or Champlain canals, within sixty days from the passage of this act, and of every acting canal commissioner hereafter appointed, before entering upon the duties of his office, to enter into a bond to the people of this state, with at least two substantial freeholders as sureties, in a penal sum of fifty thousand dollars, conditioned for the faithful discharge of the duties now enjoined, or that may hereafter be enjoined on him by law, and for the faithful accounting for all monies intrusted to him, as such acting canal commissioner, whenever and as often as he may be required so to do by law, or by concurrent resolution of the senate and assembly, or by the comptroller of this state, and the said bond shall be approved of by the comptroller and filed in his office.

Duplicate receipts to be taken.

V. *And be it further enacted*, That in order the better to guard against mistakes and losses, it shall be the duty of the acting canal commissioners respectively, hereafter to take duplicate receipts for all sums of money which they may advance and pay to their engineers, contractors and agents.

Accounts to be exhibited, and advances prohibited, till, &c.

VI. *And be it further enacted*, That whenever the sum or sums of money paid to any canal commissioner, and remaining unaccounted for, shall amount to fifty thousand dollars, it shall not be lawful for the commissioners of the canal fund to advance or pay to such canal commissioner, any further sum or sums of money, until he shall first have produced an account and vouchers, to the comptroller, shewing the payment or expenditure on the canal of at least forty thousand dollars of said sum.

Notice of loan to be published.

VII. *And be it further enacted*, That it shall be the duty of the commissioners of the canal fund, previous to every loan hereafter to be made, to give notice of such intended loan, that sealed proposals will be received, to a given day, which proposals shall not be opened until a certain hour of such day, to be named in the notice, and said notice shall be published in two newspapers in each of the cities of New-York and Albany, and continued for two weeks, daily in the New-York papers, and at least twice a week in the Albany papers.

CHAP. XXXVII.

AN ACT *authorising the election of Measurers in the counties of Kings, Queens and Richmond.*

Passed February 9, 1821.

Measurers how and when chosen.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the inhabitants of the several towns of the counties of Kings, Queens and Richmond, at their next annual town meetings, and yearly thereafter, may elect as many measurers as they may deem necessary for the purpose of measuring ashes, malre, manure, grain, and other articles, usually sold by the bushel or load, and that they may divide the

several towns into as many districts as they may deem proper, and assign a measurer to each district.

II. *And be it further enacted*, That the standard measures and weights of the city of New-York, shall be the measures and weights used in the counties aforesaid. Standard required.

III. *And be it further enacted*, That ashes, marle, manure of every kind, Indian corn in the ear, fruit and roots of every kind, shall be sold by heaping the measure, and that fourteen bushels of heaped measure shall be estimated to make one load. Measure to be heaped and 14 bushels to a load.

IV. *And be it further enacted*, That it shall be the duty of every measurer elected by virtue of this act, (when thereunto required,) to proceed at all reasonable times, and without delay, to the measuring of such articles as are ready to be delivered in his district, and in case of neglect or refusal shall forfeit and pay for every offence the sum of five dollars, to be recovered with costs of suit, before any court having cognizance of the same, by the party requesting his attendance. Duty of measurer. Penalty.

V. *And be it further enacted*, That it shall be the duty of the master of every boat or vessel, to cause the measures to be filled, removed and emptied, according to the direction of the measurer, and every measurer shall, if requested, give a certificate to the parties of the quantity measured, and for his services he shall be entitled to receive from the purchaser of the article measured, the sum of two cents for every load delivered, and the sum of one cent per bushel, for all articles sold by struck measure. Duty of masters of boats.

VI. *And be it further enacted*, That it shall be lawful for every measurer, chosen by virtue of this act, to fine any person whom he may discover using unjust weights or measures in the sale of any article, the sum of ten dollars, to be recovered with costs of suit as aforesaid, the one half of said sum to the use of the poor of the town, and the other half for the benefit of the measurer, who shall prosecute for the same to effect. Fine for using unjust measures.

CHAP. XXXVIII.

AN ACT to repeal so much of the "Act to prevent abuses in the Practice of the Law, and to regulate costs in certain cases," passed April 21, 1818, as requires a specification to be filed in cases of judgment by confession.

Passed February 9, 1821.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the eighth section of the "Act to prevent abuses in the practice of the law, and to regulate costs in certain cases," passed April 21, 1818, be and the same is hereby repealed: *Provided*, That this act shall not in any manner affect judgments by confession, entered upon warrants of attorney, since the first day of September, one thousand eight hundred and eighteen. 8th section repealed. [Vid. sess. 47: ch. 259.]

CHAP. XXXIX.

AN ACT *relative to the Poor of Madison county.*

Passed February 9, 1821.

Power of supervisors in respect to the poor.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That it shall and may be lawful for the supervisors of Madison county, annually, and oftener, if necessary, to contract with any person or persons, to keep the poor that are now chargeable, or which may be hereafter chargeable to the said county for support, at some one or more place or places, in said county, as shall or may appear most expedient to said supervisors, and to raise such sum or sums of money by a tax on the freeholders and inhabitants of said county, as shall or may be necessary for the performance of any contract, that shall be made by virtue of this act; which money shall be assessed, levied and collected in the same manner as other county charges are assessed and collected, and when so collected, shall be paid over by the treasurer of the said county, to the supervisors thereof, or to such of them, as the said board of supervisors shall direct, and be applied to the discharge of any contract, or the defraying of any expenses that may be made or accrue under this act.

Their duty.

II. *And be it further enacted,* That the said supervisors, or such of them as may be appointed for that purpose, by the said board of supervisors, shall superintend said poor, and at least once in each month, shall examine into their state and condition, and see that the persons contracting to keep said poor, provide the necessary meat, drink, washing, lodging, and attendance, in sickness and in health. And it shall be the further duty of the said supervisors, to bind all persons contracting to keep said poor, in a bond, with sufficient sureties, in double the amount to be by them received for keeping said poor, conditioned for the faithful discharge of the trust reposed in him or them: And it shall be the further duty of the said supervisors, on satisfactory evidence of the misusage or abuse of any of the said poor, or the neglect to furnish the necessaries and comforts of life, by the person or persons contracting to keep said poor, forthwith to remove every such poor person from his or their custody, and to prosecute him or their bond, for the recovery of any damages which may or shall be sustained by reason of the neglect or refusal to discharge the trust reposed in him or them.

Further duty.

Poor to perform labour.

III. *And be it further enacted,* That it shall and may be lawful for the person or persons contracting to keep said poor, to require and compel the poor committed to his or their custody, to perform such labour as they are respectively able to do; and in case any such person shall refuse to perform the labour so required as aforesaid, it shall and may be lawful for the person or persons contracting to keep said poor, to place and keep such poor person in some solitary place in the house provided for the said poor, and feed him or her on bread and water, until he or she shall submit to perform the labour, and obey the requirements and regulations of said keeper, or for so long a time as such keeper may judge

proportioned to his or her respective offence : *Provided*, That no such keeper shall put any such poor into any solitary place as aforesaid, until he shall have obtained the consent of the said supervisors, or some one of them, that may be appointed to superintend said poor, for that purpose : *And provided further*, That every such poor person, who may think himself or herself aggrieved by the conduct of the person contracting to keep said poor, towards him or her, shall and may be permitted to make his or her complaint thereof to the said supervisors, or any one of them, who shall immediately examine into the grounds of such complaint, and make such order in the case, as to him or them shall appear fit and proper, and which order shall be final and conclusive in the case.

Proviso.

Further proviso.

IV. *And be it further enacted*, That the said supervisors shall once in each year, give six weeks notice in each town in the county, by posting the same in three of the most conspicuous places in said town, of the time and place when and where proposals will be received for keeping the poor of the said county ; which notice may be given at any time by order or request of a majority of the said supervisors, and any contract made by the said supervisors, shall be binding on their successors in office, and have the same effect, as if the same had been made by themselves : *Provided however*, That all contracts that shall be made by virtue of this act, shall not, by the terms thereof, extend beyond one year from the time of making the same.

Notice for receiving proposals.

Proviso.

V. *And be it further enacted*, That it shall and may be lawful for the supervisors of said county to rent a tenement, and any number of acres of land, not exceeding fifty, during one or more years, for the use of the inhabitants of the said county, and to appoint a superintendent thereof, who shall have the custody of the poor of said county, and subject to the inspection, direction, and control of said supervisors, in like manner as is provided in the foregoing sections of this act, and subject to the provisions of the same, as far forth as they are applicable to this case ; and the said supervisors are hereby authorised, in like manner, to raise such sum or sums of money as may be necessary to carry the same into effect.

Tenement and land may be hired.

CHAP XL.

AN ACT relative to the city of Troy.

Passed February 9, 1821.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for the mayor, recorder, aldermen and commonalty of the city of Troy, in common council convened, in order to prevent the enkindling and spreading of destructive fires in said city, to direct and order that any and all dwelling houses, stores and other buildings which shall hereafter be built or erected in that part of the said city which lies between Division-street, on the south, and Hoosick-street, on the north, and between Hudson's river and a line running from said Division-street to said Hoosick-street, paral-

Corporation, powers as to building houses.

lel with River-street, at the the distance of three hundred feet east-
 erly from the east boundary line of said River-street, shall be made
 and constructed of stone or brick, and covered with slate, tile or
 other safe materials against fire, and not with boards or shingles ;
 and for this purpose from time to time to make, ordain and pass
 such rules, regulations, by-laws and ordinances, not repugnant to
 the constitution and laws of this state, as they shall deem expe-
 dient, and to enforce the observance of the same, by inflicting
 such penalties as they shall deem proper, not exceeding the sum
 of five hundred dollars, upon the proprietor or proprietors, build-
 er or builders, of any dwelling house, store or other building,
 which shall or may hereafter be built or erected within the limits
 aforesaid, contrary to any such by-law, ordinance, rules or regu-
 lations, so by them made or passed as aforesaid ; to be prosecuted
 for and recovered, with costs of suit, in any court of record in this
 state, in the name of the chamberlain of said city, to and for the
 use of the mayor, recorder, aldermen and commonalty of said city,
 in the manner other penalties for the violation of the by-laws of
 said city are by law to be prosecuted and recovered.

Penalty.

Height of
 walls.

II. *And be it further enacted*, That it shall and may be law-
 ful for the mayor, recorder, aldermen and commonalty of the city
 of Troy, in common council convened, from time to time, and at
 all times hereafter, to direct, ordain and require, that the out-
 ward walls of all dwelling houses, stores, workshops and offices,
 and, of all other buildings, which from the level of the street or
 ground adjoining the same, to the foot of the rafters, shall be
 more than ten feet in height, which shall be made or constructed
 of other materials than stone or brick, which shall hereafter be
 built or erected, within all that part of said city which lies be-
 tween Hoosick-street and Division-street, and west of the alley
 running between Fourth-street and Fifth-street, in the first, second
 and third wards of said city, or west of the alley running between
 Second-street and Third-street, in the fourth ward of said city,
 shall be filled in with a brick wall, at least four inches in width,
 laid in good lime mortar, from the sills to the plates thereof, and
 for this purpose, from time to time, make ordain and pass, such
 by-laws and ordinances, not repugnant to the constitution and
 laws of this state, as they shall deem expedient, and enforce the
 observance of the same by inflicting such penalties as they shall
 deem proper, not exceeding the sum of five hundred dollars,
 upon the proprietor or proprietors, builder or builders, of any
 dwelling house, store, workshop, office, or other building, which
 shall or may hereafter be built or erected within the limits last
 aforesaid, contrary to any by-laws or ordinances, which they, the
 mayor, recorder, aldermen and commonalty of said city, shall make
 and ordain, pursuant to authority granted them by this section
 of this act, to be prosecuted and recovered in the same manner
 and to the same use the penalties mentioned in the first section of
 this act, are to be prosecuted and recovered : *Provided however*,
 That nothing herein contained, shall authorize them, the may-
 or, recorder, aldermen and commonalty of said city, to require
 any lessee or lessees, or other person or persons, now possessed of
 leasehold estate, or interest in any lands, tenements or heredita-
 ments, within said limits, for any term of years, whereof not more

Penalty.

Provido.

than twenty-one years were, on the first day of January, in the year of our Lord one thousand eight hundred and twenty-one, unexpired, whereon any dwelling house, store, or other building was then erected, to build, make, or construct any dwelling house, store, or other building, which he, she or they shall or may build or erect upon the same lands, tenements or hereditaments, during the continuance of his, her or their said leasehold estate therein, of stone or brick, and cover the same with tile, slate, or other safe materials against fire, but the said lessee or lessees, or other person or persons holding such leasehold estate may build or erect any dwelling house, store, or other building upon such leasehold estate, in the same manner he, she, or they might have done, had this law not have been passed.

III. *And be it further enacted*, That if any dwelling house, store, or other building, shall be erected or built within the limits aforesaid, or either of them, contrary to the prohibition which shall be contained in any by-law, or ordinance, which shall or may hereafter be passed by the mayor, recorder, aldermen and commonalty of the city of Troy, pursuant to the powers and authority granted to them by the first or second section of this act, the same dwelling house, store, or other building, shall be deemed a common nuisance.

Certain buildings declared a nuisance.

IV. *And be it further enacted*, That it shall be lawful for the mayor, recorder, aldermen and commonalty of said city, in common council convened, from time to time, and as often as shall be necessary, to appoint a sufficient number of strong, able, discreet, honest and sober men, in said city, to have the care, management, working and using of the fire engines, and the other tools and implements, now provided, or hereafter to be provided, for extinguishing of fires within said city, which persons so to be appointed, shall be called the firemen of the city of Troy, and who, with the engines of the same city, are hereby required to be ready at all times, as well by night as by day, to manage, work, and use the same fire engines, and other the tools and implements aforesaid; and the persons so to be appointed firemen, and every of them, during their continuance in that office and no longer, shall be exempted from service in the office of constable, and from being impannelled or returned as jurors, and of and from militia duty, except in case of invasion, or other imminent danger: *And further*, it shall be lawful for the mayor, recorder, aldermen and commonalty of said city, in common council convened, to remove all or any of the firemen now appointed, or to be hereafter appointed in said city, when and as often as they shall think proper, and to appoint others in their stead: *Provided*, That not more than thirty firemen to each engine shall be exempted from being impannelled or returned as jurors, and from militia duty.

Firemen.

Proviso.

CHAP. XLI.

AN ACT for the relief of the town of Rye.

Passed February 9, 1821.

Preamble.

WHEREAS the inhabitants of the town of Rye, in the county of Westchester, have represented to the legislature, that there are in said town, two small pieces of land, herein after particularly described, which have lain vacant since the first settlement of the country, except that some persons, without any right or title whatsoever, have lately taken possession of some portions thereof, and that though the said pieces of land were included in an ancient patent, yet that the owners thereof are now entirely unknown, and have never occupied the same, nor made any claim thereto for the last fifty years or more, and praying that the same may be disposed of as hereafter directed : Therefore,

Three trustees to be chosen.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That it shall be lawful for the inhabitants of the said town of Rye, in town meeting convened, to elect three trustees, and the same at their pleasure to remove, and on the death or removal of any of the said trustees, from time to time to supply his place, and that whenever such trustees shall be appointed, the fee simple of the said two pieces of land shall be vested in them, which said pieces of land are bounded as follows, to wit : The one piece is bounded westerly by Rye brook, southerly by the bridge over the said brook, near the Methodist meeting house, easterly by the turnpike road leading to Boston, and northerly by a part of the glebe land of the rector, wardens and vestry of Christ church. The other of the said pieces is bounded partly by the said turnpike road, partly by Saw-pit creek, and partly by the highway leading to Mooritt's point. The said two pieces, together, containing about four acres of land.

Certain land vested in them.

Power of trustees.

II. *And be it further enacted,* That it shall be lawful for the said trustees to bring suits to recover possession of the said pieces of land, against any person or persons having no title thereto ; and that it shall be the duty of the said trustees to sell the said lands, and to vest the monies to arise from the sale thereof, in stock of the United States, or of this state, and to apply the annual interest thereof towards the support of the public schools in the said town, in such manner as the town meeting shall, from time to time, direct : *Provided always, and be it further enacted,* That nothing in this act contained shall be construed to defeat or abridge any right or interest in the said lands of any person now possessing the same or any part thereof, and that any person who now hath any right or title to the said land or any part thereof, shall be entitled to recover and receive from the said trustees, the whole or a due proportion of the securities in which the said monies are to be invested, but without interest.

Certain rights not to be affected.

CHAP. XLII.

AN ACT to amend the act to regulate the Culling of Staves and Heading.

Passed February 9, 1821.

BE it enacted by the People of the State of New-York, re- Certain staves &c. free from inspection.
presented in Senate and Assembly, That no person exporting or shipping staves or heading out of this state, to either of the provinces of Upper or Lower Canada, by way of the river St. Lawrence, or the lakes, shall be compelled to have the same culled by any culler within this state, any thing in the act, entitled "An act to regulate the culling of staves and heading," to the contrary notwithstanding; and that the penalty imposed by the tenth section of the act aforesaid, shall not be applied to any such exportation.

CHAP. XLIII.

AN ACT to authorize the Surveyor-General to convey to David M. Smith, a Lot of Land in the village of Lewiston, and for other purposes.

Passed February 9, 1821.

I. BE it enacted by the People of the State of New-York, Lot 266, in Lewiston to be conveyed to D. M. Smith.
represented in Senate and Assembly That the surveyor-general be and hereby is authorized and required to convey to David M. Smith, lot number two hundred and sixty-six, in the village of Lewiston, which has heretofore been set apart for the support of common schools therein, and on which the said David M. Smith now resides: *Provided*, he shall comply with the conditions Provide. herein after mentioned.

II. *And be it further enacted*, That before the land aforesaid shall be conveyed, the surveyor-general shall appoint two or more Appraisers to be appointed. discreet persons, who shall be freeholders, in the county of Niagara, to ascertain and appraise the value of the land hereby directed to be conveyed to the said David M. Smith, and report the same to the surveyor-general, after having made oath thereto before some judge of the court of common pleas, or justice of the peace, of said county, and thereupon the surveyor-general shall proceed to convey the same as herein before directed: *Provided*, Provide. the said David M. Smith shall pay one eighth part of the consideration money, and shall secure the balance thereof by mortgage on the premises, to be paid in eight equal annual instalments, together with the interest thereon.

III. *And be it further enacted*, That the trustees of the common school in the village of Lewiston, and their successors, be and they are hereby authorized to take possession of all the lots of land remaining unsold, which by an act of the legislature, passed March 10, 1810, are pledged for the support of a common school in said Power of trustees of com. schools in Lewiston.

village, and to use, occupy and improve the same, or to lease the said lots from year to year, in trust and for the sole use and benefit of the said school, until the same shall be sold.

CHAP. XLIV.

AN ACT to divide the town of Chautauque, in the county of Chautauque.

Passed February 9, 1821.

Town of
Clymer
erected.

I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the passing of this act, all that part of the town of Chautauque, in the county of Chautauque, consisting of the first and second townships, in the fourteenth range, and the first and second townships, in the fifteenth range of townships, in the Holland land company's land, in the said town, be set off from the said town of Chautauque, and be erected into a separate town, by the name of Clymer; and that the first town meeting shall be held at the house of Gardner Cleveland, in said town. And that one range of lots, from off the north side of township number three, in the twelfth range; and one range of lots from off the east side of township number four, in the thirteenth range of townships, together with township number four, in the twelfth range of townships, be set off from the said town of Chautauque, and be erected into a separate town, by the name of Stockton; and that the first town meeting shall be held at the house of Abel Thompson, of said town. And that a line beginning on the shore of Chautauque lake, at the northwest corner of lot number ten, in the third township, in the thirteenth range; thence east to the northwest corner of lot number five; thence north to the northwest corner of lot number seven; thence east to the town of Gerry; thence south along the westerly line of the said town of Gerry, and of the westerly line of the town of Ellcott, until said line intersects Chautauque lake; thence up along the margin of said lake, to the place of beginning. That so much of the said town of Chautauque, as is included in the above said lines, be set off from it, and be erected into a separate town, by the name of Ellery; and that the first town meeting be held at the dwelling house of William Bemus, of said town. And that all the residue of the territory in the said town of Chautauque, be and remain a town, by the name of Chautauque; and that the first town meeting be held at the court house in the village of Mayville, in said town.

Town of
Stockton
erected.

Town of
Ellery erect-
ed.

Division of
poor, &c.

II. And be it further enacted, That the supervisors, justices of the peace, and overseers of the poor, within the said towns of Clymer, Stockton, Ellery, and Chautauque, shall meet on the second Tuesday of May next, at the court house in the village of Mayville, in the town of Chautauque, and divide the poor, and all monies belonging to the original town of Chautauque, and make such further arrangements relative thereto, as justice may require.

CHAP. XLV.

AN ACT to amend the act, entitled "*An act concerning Turnpike Roads,*" passed April 13th, 1819.

Passed February 9, 1821.

WHEREAS, by the fourth section of the above recited act, all ^{Preamble.} turnpike companies using hoist-gates, were required to cause them to be suspended with chains and weights, equally balanced, so as to require manual force to raise or lower said gates, on pain of forfeiting five dollars for every twenty-four hours neglect, after the first day of July next after passing the act ; and whereas many of the turnpike companies, using hoist-gates, have omitted, on account of their ignorance of the law, to cause their hoist-gates to be suspended in the manner required by the act : Therefore,

BE it enacted by the People of the State of New-York, ^{Penalty re-} represented in Senate and Assembly, That no action shall hereafter ^{mitted.} be commenced, for the recovery of any penalty incurred under the fourth section of the above recited act : ^{Proviso.} Provided, That such turnpike companies as shall use hoist-gates, shall cause them to be suspended, according to the fourth section of the said act, by the first day of June next : And provided, That nothing in this act shall be so construed as to affect any suit which has been instituted for any penalty arising under the said fourth section.

CHAP. XLVI.

AN ACT authorising the Commissioners of Highways to lay out a Road of two rods wide, in the towns of Brooklyn and Bushwick, in the county of Kings.

Passed February 9, 1821.

I. BE it enacted by the People of the State of New-York, ^{Road de-} represented in Senate and Assembly, That it shall and may be ^{scribed.} lawful for the commissioners of highways, in the towns of Brooklyn and Bushwick, in the county of Kings, on the written application of twelve reputable freeholders of each of the said towns, if they deem proper, to lay out a highway of two rods wide, from the road of the Wallabout and Brooklyn toll-bridge company, in the town of Brooklyn, to the village of Williamsburgh, in the town of Bushwick ; and that the foot-path heretofore laid out, in the said town of Bushwick, when the said highway is laid out, shall form a part of the same, unless the commissioners of highways, and any of the owners of the land shall agree to alterations.

II. And be it further enacted, That the damages, if any, which ^{Damages} may be sustained, by the laying out of the highway contemplated ^{how paid.} by this act, shall be assessed and paid, according to the provisions of the act, entitled "*An act to regulate highways,*" passed March 19th, 1813.

CHAP. XLVII.

AN ACT for establishing a Justices' Court in the city of Albany.

Passed February 16, 1821.

Three justices to be appointed.

Also a clerk.

Vacancy in clerkship how filled in certain cases.

Powers of court.

Seal of court, clerk to take an oath, court when to be open, &c.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That it shall and may be lawful for the person administering the government of this state, by and with the advice and consent of the council of appointment, from time to time, to appoint and commission three proper and discreet persons, to be called and known by the name of "the justices of the justices' court in and for the city of Albany;" and one other proper and discreet person, to be called and known by the name of "the clerk of the justices' court, in and for the city of Albany," to hold their said offices respectively, for and during the pleasure of the said council; and the said commissions of the justices aforesaid, shall issue once at least in every three years; and in their said commissions the said justices shall be also appointed justices of the peace, in and for the county of Albany, with all and singular powers in criminal cases, incident to the office of justice of the peace.

II. *And be it further enacted,* That if the said clerk should die, remove out of the city of Albany, or by any other ways or means, become incapable of exercising and performing the duties of his said office, in the recess of the council of appointment, then, and in such case, the said justices, or a major part of them, may, as often as need be, fill the said vacancy, by the appointment of some other person as clerk, who shall hold his office until the said council of appointment shall appoint some other person in his place.

III. *And be it further enacted,* That the said justices of the said justices' court, shall have power and authority to hold a court at the capitol, in the city of Albany, or at such other proper and convenient place in the said city, as the common council thereof may, at any time, direct and appoint; and such court shall be called "the justices' court of the city of Albany," and it is hereby declared to be a court of record, and shall have exclusive jurisdiction in the said city, to hear, try and determine, all actions which are now cognizable before a single justice of the peace in said city, and shall, in all respects, proceed in like manner, except as is otherwise provided by this act.

IV. *And be it further enacted,* That the said court shall have a seal, to be devised and directed by the justices thereof: And the clerk of the said court, before he shall enter upon the duties of his said office, shall take an oath in open court, before the said justices, faithfully and honestly to discharge the duties of such office: And the said court shall be open every day, at seasonable hours, except Sunday, the three days of the annual election, the stated election for city charter officers, the fourth day of July, the twenty-fifth day of December, and the first day of January in every year.

V. *And be it further enacted*, That no judgment shall be given, nor any rule or order made, in any cause in the said court, to be held before the said justices, nor any conviction had upon any statute or law, unless two of the same justices, hereby authorised to hold such court shall be present; and if only one of them shall attend on any court day, he shall adjourn the said court to the next court day; and if, on any court day, neither of them shall attend, then the clerk of the same court shall and may adjourn the court to the next court day: *Provided nevertheless*, That it shall and may be lawful for any one of the said justices, to receive the confession of the defendant or defendants of the action of the plaintiff, and of the debt and damages, or sum of money due to the plaintiff, and to give judgment, and issue execution thereupon, in like manner as if any two of them were present: And further, that in case of the sickness or death of any two of the said justices, then, and in that case, the survivor shall have power to hold the court, to hear, try and determine the causes, in the same manner as if two of the said justices were present.

Two justices to be present to hold a court, except, &c.

Proviso.

VI. *And be it further enacted*, That the clerk of the said court shall cause to be entered or registered in proper books, to be kept for that purpose, a docket or register of all summonses, warrants, precepts, executions and process, which may be issued by the said court, and of the returns to all such summonses, warrants, precepts, executions and process; and also, proper entries of all acts, orders, dismissions, decrees, judgments, adjournments and proceedings of the said court; and also, the substance of the plaintiff's charge or demand, and of the defendant's plea.

Duty of clerk

VII. *And be it further enacted*, That all applications for process, for the recovery of any debt or demand, to be sued for in the said court, to be holden by virtue of this act, before the said justices, shall be made to the clerk of the said court, and not otherwise; and that all process to be issued out of the said court, shall be tested in the name of the said justices, and be signed by the clerk of the said court, with his name, and with these words, "by the court," and sealed with the seal of the said court: and that the forms of process now adopted and used by single justices of the peace, in the prosecution of suits before them, shall be adopted and used as near as may be, by the said justices' court, except that the same shall be made returnable before the said court, by its proper title: *And further*, That the clerk of the said court, shall have power to administer the oaths required by law, on the issuing of a warrant or execution in a civil cause, in like manner as a justice of the peace may now administer the same.

Process by whom issued.

Forms of process.

Clerk to take oaths, &c.

VIII. *And be it further enacted*, That when any defendant shall be taken on any warrant issued out of the said court, to be holden before the said justices, and the same court shall not then be sitting, it shall be the duty of the constable, or other proper officer having such warrant, to take in his own name, and in his official capacity, bail or security of some sufficient person or persons, to be bound by bond, conditioned for the appearance of the defendant on the next court day; and if the said defendant shall not appear in person, in court, at the time mentioned in the said bond, and if the plaintiff shall approve of the said bail or security, by accepting an assignment of the said bond, then the constable or other officer,

Provision in case of warrants and bail thereon.

Bail when liable.

shall and may return the said warrant, in the same manner as if the defendant had been brought in court in person, and the court shall and may proceed in the cause, in the same manner as if the defendant had appeared in person, and denied the plaintiff's charge by plea; and the said bail or security shall be held to pay the debt or damages, and costs, which shall or may be adjudged against the defendant, unless the said defendant shall enter the necessary security for the payment of the amount of said judgment in sixty days, or shall (in case he or she shall be liable to imprisonment) surrender himself or herself, in execution, within forty-eight hours from the time of the entry of said judgment; but if the defendant, when taken by virtue of the aforesaid warrant, shall neglect or refuse to give bail or security for his or her appearance as aforesaid, it shall be lawful for the constable, or other proper officer having such warrant, to take such defendant to the gaol of the city and county of Albany, and deliver him or her to the keeper of the said gaol, who is hereby required to receive such defendant, and to keep him or her in safe custody in the said gaol, until the next court day; when the said constable or other proper officer, who shall have served such warrant, or some other constable, who may be directed by the court, in writing, shall bring such defendant before the said court: *Provided*, That it shall not be lawful for the said keeper to detain such defendant in custody, upon such warrant, for a longer time than forty-eight hours: *And further*, that in case the plaintiff shall accept an assignment of the bail bond to be taken by the constable, or other officer, the plaintiff may, if necessary, commence a suit thereon in his own name, as the assignee of the constable or other officer, and on obtaining judgment thereon, shall, under the execution to be issued thereon, levy the amount of the debt, or damages and costs, for which judgment shall be given in the original action, with costs in the suit on the bail bond, and no more; but if the plaintiff shall refuse to take an assignment of such bail bond, he shall have his remedy against the constable or other officer, as in case of an escape; and in that case such constable or other officer, may commence a suit in his own name, and for his indemnity on such bail bond.

Further provision in case of warrants, &c.

IX. *And be it further enacted*, That when any defendant shall be taken on any warrant issued out of the said court, to be holden before the said justices, and shall be brought into court, and the court, by reason of other business, or other cause, should be unable immediately to try the cause, the constable, or other proper officer, having such warrant, shall take the defendant before the clerk of the said court, who shall thereupon take security for the defendant's appearance in court, on the next court day; and if the said defendant shall neglect or refuse such security, he or she shall be committed to gaol, and in that case it shall be the duty of the said clerk to make an indorsement on such warrant, to the following effect, viz: The defendant having refused or neglected (as the case may be) to give the security on the within warrant, required by law, is committed to the gaol of the city and county of Albany, and shall afterwards be brought into court, or discharged in like manner and form, as is directed in the case provided for, in and by the preceding enacting clause of this act.

X. *And be it further enacted*, That in all cases, in which, according to the provisions of this act, security shall be required, it shall be lawful for the justice or clerk, taking such security, if he shall deem it necessary to examine the person or persons, who may be offered as security on oath, as to his or her sufficiency to become such security.

Security may be examined on oath.

XI. *And be it further enacted*, That it shall and may be lawful for any one of the said justices, at any time when the said court shall not be sitting, to administer the oath prescribed by the last clause of the eleventh section of the act, entitled "An act for the recovery of debts to the value of twenty-five dollars," passed April 5, 1813, on any judgment which shall have been entered in the said court, and grant execution, or make any other necessary order thereon; and also to take the confession of the defendant in any suit or action commenced by warrant issued out of the said court, and enter judgment, and grant execution thereon, in the same manner as if the same was done in open court; and the justice before whom the said proceedings shall be had, shall enter or cause to be entered, in the proper book or books of the court, the substance of the said proceedings, together with a note or memorandum, purporting that the same were had out of court, also the time when, and the name of the justice before whom the same were had.

Power of one justice to take oath and award execution.

XII. *And be it further enacted*, That no more than one jury shall be summoned to attend the same court, to be held before the said justices, on any one day; and if there shall be more than one cause to be tried in the said court on that day, the same jurors shall be returned in each cause: *Provided however*, That in causes where the sum demanded by the plaintiff shall exceed twenty-five dollars, either party shall be permitted to have the cause tried by the same number of jurors as are now allowed by law; and every person qualified to serve as a juror upon trials had in the mayor's court of the said city of Albany, shall be considered as duly qualified to serve as a juror upon trials in the said court, to be holden before the said justices.

Provision as to juries, &c.

XIII. *And be it further enacted*, That the registers and books of entries for the said court, so to be holden before the said justices, or copies thereof proved, shall be deemed legal evidence of the acts and proceedings of the same court; and that the same court shall be deemed, taken and held to be a court of record.

Court deemed a court of record.

XIV. *And be it further enacted*, That in case any constable shall be prosecuted for any money collected by him in his official capacity, and retained by him, or shall be guilty of any disorderly or improper conduct in or towards the said court, to be held by virtue of this act; then and in such case it shall be lawful for the said court, in its discretion, to prohibit such constable to serve or execute any process or execution, thereafter to be issued out of the same court, in any civil cause whatsoever.

Constables may be suspended, &c.

XV. *And be it further enacted*, That appeals and writs of certiorari, may be brought and prosecuted from any judgment of the said court, in the same manner as they are now brought and prosecuted from the judgment of any justice of the peace in this state, except that the same shall be directed to the said court by its proper title, and the return thereto, shall be made and signed by the clerk of the said court under its seal.

Appeals and certioraris.

Justices declared justices of the peace.

XVI. *And be it further enacted*, That the justices to be appointed by virtue of this act, and to be called and known by the name of the justices of the justices' court, in and for the city of Albany, shall jointly and severally have, exercise and enjoy, all the powers and privileges of justices of the peace, as to keeping of the peace in said city and county of Albany.

Clerk to give bond, &c.

XVII. *And be it further enacted*, That every clerk to be appointed by virtue of this act, shall, before he shall be permitted to enter upon the duties of his office, enter into bond, with one or more sufficient surety or sureties, to the mayor, aldermen and commonalty of the city of Albany, in the penal sum of two thousand dollars, jointly and severally, to answer the said mayor, aldermen and commonalty, and the parties, if any shall complain, and conditioned that such clerk shall well and faithfully execute the said office of clerk, without fraud, deceit or oppression; and it shall be the duty of said clerk to receive all monies paid into said court, by any constable, other officer or party, and to pay them out to such person or persons as shall be lawfully entitled to receive the same.

Fees to be received

XVIII. *And be it further enacted*, That the same fees now authorised to be received by any justice of the peace for any process, proceedings or services, issued, done or performed by him as a justice of the peace, shall be taken and received for the like process, proceedings or services, issued, done and performed by the said justices' court, and no more, to be equally divided by and between each one of the said justices and clerk of the said court; and the clerk shall, once in each and every year, render on oath to the common council of the city of Albany, a true and faithful account of all fees received by the said court and clerk during the said year; and if the same shall exceed the rate of eight hundred dollars per year, to each of the said justices and clerk, then the excess shall be paid to the chamberlain of the said city, for the use of said city: *Provided*, That the costs to be recovered in the court constituted by this act, shall in no suit exceed the sum of five dollars.

Account to be rendered.

Salary limited.

Proviso.

Public act.

XIX. *And be it further enacted*, That this act shall be considered a public act, and shall be liberally expounded and construed to advance the ends thereof.

CHAP. XLVIII.

AN ACT for the relief of certain School Districts.

Passed February 16, 1821.

Certain school districts to receive monies, &c.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That in all cases in which the trustees of any common school district, within any town, whose annual town meeting, for the year eighteen hundred and twenty, was held on any day prior to the first day of April in the said year, have omitted to make their annual district report to the commissioners of common schools of their town, within the time limited by law; by reason of which neglect no school monies were apportioned to, or received by them in said year; it shall and may be

lawful for the commissioners of common schools of such town, for the present year, to apportion and pay to such district, out of the first monies which shall come into their hands, as commissioners, such sum as such district would have been entitled to for the last year, in case its annual district report had been made in due time, and had in all other respects been according to law : *Provided*, Proviso. That the annual district reports of such schools shall have been made before the first day of April, eighteen hundred and twenty, and shall have been in all other respects conformable to law.

CHAP. XLIX.

AN ACT for the relief of Samuel Wiswall.

Passed February 16, 1821.

WHEREAS Samuel Wiswall paid into the treasury one thousand and four dollars and ninety-one cents, for taxes upon certain lands, supposed to belong to Robert L. Livingston, which payment was made under a mistake, and has not been appropriated by the said Robert L. Livingston : Therefore,

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the treasurer pay, on the warrant of the comptroller, unto Samuel Wiswall, the sum of one thousand and four dollars and ninety-one cents, paid by him into the treasury through mistake, as taxes, interest and expenses, on certain lands, then supposed to belong to Robert L. Livingston, and the lands charged with such taxes, shall be and remain charged therewith in the same manner as if the mistaken payment of the aforesaid sum of money had not been made by the said Samuel Wiswall ; and that it shall be lawful for the comptroller to proceed to the sale of the said lands for the said taxes according to the existing laws of this state. 1004d. 91cts. to be refunded to S. Wiswall. Comptroller's duty.

CHAP. L.

AN ACT to empower the President, Directors and Company of the Union Bank, in the city of New-York, to reduce their capital stock.

Passed February 16, 1821.

WHEREAS the president, directors and company of the Union bank, in the city of New-York, have, under their common seal, represented, that the capital stock of the said bank is too great to be at present beneficially employed, either to them or the public, and have prayed that they may be authorised to reduce the same : Therefore,

I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the president and directors of the said corporation to reduce the capital stock of the said corporation from one million Stock may be reduced to 1,000,000 dollrs.

eight hundred thousand dollars, to one million dollars, at such time or times and in such manner and subject to such regulations, as the president and directors of the said corporation may prescribe and adopt, and when and as soon as the said capital shall be so reduced to one million dollars, it shall be the duty of the said corporation to give notice thereof, under their corporate seal, to the comptroller of this state, whereupon, and from thence forward, the capital stock of the said corporation shall be and consist of one million dollars.

Corporate
debts limited.

Penalty.

11. *And be it further enacted*, That the total amount of the debts which the said corporation shall, at any time after the said reduction of the said capital stock, owe, whether by bond, bill, note, or other contract, shall not exceed three times the amount of the said capital stock which may be so reduced as aforesaid, and the amount of the specie actually deposited in said bank ; and in case of such excess, the directors under whose administration it shall happen, shall be liable for the same in their separate and private capacities, but this shall not be construed to exempt the said corporation, or any estate, real or personal, which they may hold, as a body corporate, from also being liable for such excess, but such directors as shall have been absent when the said excess was contracted, or who may have dissented from the resolution or act whereby the same was so contracted, shall not be liable.

CHAP. LI.

AN ACT to alter the time of holding Town Meetings in the town of Bern, in the county of Albany.

Passed February 16, 1821.

1st Tuesday
of April town
elections in
Bern.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the passing of this act, the freeholders and inhabitants of the town of Bern, in the county of Albany, shall hold their annual town meetings on the first Tuesday in April ; and their first town meeting shall be held at the house of Jacob P. Wideman ; and that the present town officers of said town shall and may hold their said offices respectively, from and after the first Tuesday of March next, until the first Tuesday of April thereafter ; and that all the officers, whose duty it is to meet on the last Tuesday in February, shall meet hereafter on the last Tuesday of March, to transact such business as to their respective offices may appertain.

CHAP. LII.

AN ACT concerning Jurors and Town Officers, in the town of Otselic.

Passed February 16, 1821.

I. BE it enacted by the People of the State of New-York, ^{Qualification of Jurors.} represented in Senate and Assembly, That all free male inhabitants of the town of Otselic, in the county of Chenango, of the age of twenty-one years and upwards, who are in possession of lands under a contract for the purchase of the same, and are worth the sum of one hundred and fifty dollars, in personal property, or have made improvements on, or payments for such lands to that amount, shall be good and sufficient jurors in all courts to be holden before any justice of the peace in and for the said county of Chenango, and shall be eligible to any town office in the said town of Otselic, in the same manner as if they were freeholders in said town.

II. And be it further enacted, That so much of the oaths ^{Oaths.} directed by law to be taken by town officers, as respects their being freeholders, may be omitted in the oaths to be taken by the town officers hereafter to be chosen in the said town of Otselic.

CHAP. LIII.

AN ACT to incorporate the Female Academy of the city of Albany.

Passed February 16, 1821.

WHEREAS an academy has been for some years founded in ^{Preamble.} the city of Albany, for the education of females, which has proved to be of great public benefit : And whereas James Kent, John Chester, Joseph Russell, and others, have, on behalf of themselves and their associates, petitioned for an act of incorporation : Therefore,

I. BE it enacted by the People of the State of New-York, ^{Corporation created.} represented in Senate and Assembly, That the said James Kent, John Chester, Joseph Russell, and others, their associates, together with such other persons as may become members of the corporation hereby created, shall be and hereby are constituted and declared to be a body corporate and politic, by the name of the "Albany Female Academy ;" and by that name they and their successors, for ever hereafter shall and may have succession, and be persons capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, complaints, matters and causes whatsoever, and may have a common seal, and may change and alter the same at pleasure, and that they and their successors, by the said name, shall be for ever capable in law to purchase, take, receive, hold and enjoy any estate, real and personal whatsoever, to the use of them and their successors, and to lease, sell, convey, or otherwise ^{Corporate style and general powers.}

Proviso.

dispose of the same at their will and pleasure, and as to them shall appear most advantageous for promoting the purposes of the incorporation : *Provided always*, That the yearly income of such real and personal estate shall not at any time exceed the sum of five thousand dollars.

Trustees.

II. *And be it further enacted*, That there shall be for ever hereafter, nine trustees of the said corporation, who shall be members thereof, and who shall manage all the affairs thereof, and that the said trustees shall be James Kent, John Chester, Joseph Russell, John V. Henry, Asa H. Center, Gideon Hawley, William Fowler, Teunis Van Vechten, and Peter Boyd, who shall hold their offices until the first Tuesday of April, in the year of our Lord one thousand eight hundred and twenty-two.

Elections for trustees.

III. *And be it further enacted*, That on the first Tuesday of April, in the year of our Lord one thousand eight hundred and twenty-two, and on the first Tuesday of April, in every succeeding year, there shall be a general meeting of the members of the said corporation, at some convenient place in the city of Albany, to be fixed on by the by-laws of the said corporation, and a majority of the members who shall so meet, shall elect, by ballot, nine of their members to be trustees of the said corporation for the year then next ensuing ; and the said trustees shall have power to choose out of their own number a president, a treasurer, and a secretary, who shall immediately enter on their offices, and hold the same from the time of such election for one year, and until others shall be chosen and appointed in their stead : And in case any of the trustees shall die, resign, remove from the city of Albany, or refuse or neglect to act, then and in every such case, the remaining trustees shall and may within thirty days thereafter elect by ballot, other members of the said corporation in their stead, who shall hold their offices until the first Tuesday of April then next ensuing, and until others shall be chosen in their stead.

Vacancies.

Powers of trustees.

IV. *And be it further enacted*, That the trustees of the said corporation may make all such by-laws, rules and regulations for the government of the said corporation and its affairs, and for the management and disposition of the property and estate of the said corporation, as they may deem requisite to promote the design and interest of establishing the corporation, and the same or any part of them to alter, amend or repeal from time to time, as they or a majority of them may think fit, and shall have power whenever they may think necessary, to call a general meeting of the members of the corporation.

Instructors, &c.

V. *And be it further enacted*, That the said trustees shall and may nominate and appoint instructors to take charge of the academy, and such other officers and servants as they may think necessary, and allow and fix their respective compensations, and such instructors, officers and servants, or any of them, at their pleasure dismiss and discharge, and appoint others in their stead : *Provided nevertheless*, That the funds of the corporation and their academy shall be exclusively devoted to female education, and no male scholar shall be admitted therein.

Proviso.

Members how admitted.

VI. *And be it further enacted*, That any person who shall contribute to the benefit of the corporation a sum of money not less than fifty dollars, shall by and with the consent of the trustees,

and their associates above named, become a member of the corporation, and entitled to the privileges granted to members thereof by this act.

V. *And be it further enacted*, That this act shall be and hereby is declared to be a public act, and shall be construed benignly and favorably for every beneficial purpose hereby intended, nor shall any non use of the privileges hereby granted to the said corporation, create or produce any forfeiture, and no misnomer of the said corporation, in any deed, grant, gift, demise, will, or testament, or other instrument, contract or conveyance, shall defeat or vitiate the same, if the corporation be sufficiently described to ascertain the intention of the parties.

Public act,
&c.

CHAP. LIV.

AN ACT directing a grant of land for the site of a School-house, in School District number two, in the town of Fort Covington, in the county of Franklin.

Passed February 16, 1821.

BE it enacted by the People of the State of New-York, re- presented in Senate and Assembly, That the commissioners of the land-office, be and they are hereby directed to issue letters patent to the trustees of school district number two, in the town of Fort Covington, in the county of Franklin, of one acre of land, as nearly square as may be, from the southwest corner of out lot number seven, in the mile square, in the said town, so as to include the school-house erected on said corner, to have and to hold to the said trustees and their successors in office, for ever, in trust nevertheless for the purposes of said school and not otherwise.

Land granted
for a site, &c.

CHAP. LV.

AN ACT for the relief of Solomon Allen.

Passed February 16, 1821.

I. *BE it enacted by the People of the State of New-York, re-* presented in Senate and Assembly, That on payment by Solomon Allen, of the principal and interest of a bond executed to the people of this state, by Horatio Gates Spafford, Solomon Southwick and the said Solomon Allen, it shall be lawful for the comptroller to assign and set over all the right and title of the said people, in and to the said bond, as against the said Horatio Gates Spafford and Solomon Southwick, together with the monies secured thereby, to the said Solomon Allen, his executors, administrators and assigns: *Provided always*, that such assignment shall not be construed to bind the said people to insure the eventual payment of the monies due on the said bond.

A certain
bond to be as-
signed to S.
Allen, &c.
Proviso.

II. *And be it further enacted*, That the payment of the money due on the said bond, by the said Solomon Allen, or the as-

Certain
rights not to
be impaired,
&c.

Authority to,
see, &c.

signature of the said bond to him, shall in no manner operate as an extinguishment of the same, and that it shall and may be lawful for the said Solomon Allen, in his own name, to prosecute the said bond to judgment, against the said Horatio Gates Spafford and Solomon Southwick, and to collect of the said Spafford the whole amount due thereon, with costs, and in case he shall be unable to collect the whole amount of the said bond of the said Spafford, it shall in that case be lawful for the said Allen to collect the equal one half part of what shall then remain due on the said judgment, of the said Solomon Southwick, in which case the said judgment against the said Spafford shall enure to the joint benefit of the said Southwick and Allen.

CHAP. LVI.

AN ACT to amend an act, entitled "*An act concerning Executors and Administrators, and the distribution of Intestates' estates.*"

Passed February 19, 1821.

Inventories in
certain cases
may be filed,
&c.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That in all cases where the oath required to be made, by executors or administrators, to the inventory to be by them delivered to the judge of the court of probates or surrogates, in whose office the will of the testator was proved, or administration granted, according to the directions contained in the first section of the above mentioned act, cannot be made within the time therein prescribed, before said judge or surrogate, owing to the office being vacant, or to such judge or surrogate being absent from the counties in which they respectively reside, or to their being incapable of transacting business, on account of sickness or otherwise; that then and in every such case, it shall be lawful for such executor or administrator, to swear to such inventory before any of the judges of the court of common pleas of such county, whose duty it shall be to administer such oath accordingly; and that every inventory so sworn to, and delivered to such judge or surrogate, or filed in his office, shall be of the like effect, to all intents and purposes, as if the same had been sworn to and delivered, as in and by the said first section of the aforesaid act is directed.

CHAP. LVII.

AN ACT to erect a new County by the name of Monroe, from parts of the counties of Ontario and Genesee, and for other purposes.

Passed February 23, 1821.

I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That all that part of the

counties of Ontario and Genesee, hereinafter mentioned, that is to say, the towns of Gates, Parma, Ogden, Clarkson, that part of Sweden, lying east of the west line of the triangle; so much of the town of Caledonia, as shall lie north of an east and west line to be run one mile north of Peter Bowen's house, in the village of Caledonia and Riga in the county of Genesee, and the towns of Brighton, Penfield, Perrinton, Pittsford, Mendon, Henrietta, and that part of the town of Rush, lying north of the Honeoye outlet, in the county of Ontario; together with such part of the territory of the said counties as is included between the southern shore of Lake Ontario, on the south, the boundary between the United States and Upper Canada, on the north, the easterly line of the town of Penfield, continued to the said boundary line on the east, and the westerly line of the triangle continued to the said boundary line on the west, shall, from and after the passing of this act, be a separate and distinct county of the state of New-York, and shall be known and distinguished by the name of Monroe. And the freeholders and other inhabitants of the said county of Monroe, shall have and enjoy, all and every the same rights, powers and privileges, as the freeholders and inhabitants of any of the counties of this state, are by law entitled to have and enjoy.

County of
Monroe cre-
ted.

II. *And be it further enacted*, That Robert S. Rose, of the county of Seneca, Nathan Williams, of the county of Oneida, and Morris S. Miller, of the county of Oneida, shall be commissioners for the purpose of examining and impartially determining the proper site or sites for a court-house and gaol to be erected in the county of Monroe; and when the said commissioners or any two of them, having so determined, shall put their determination in writing, with their signatures and seals affixed thereto, and cause the same to be filed in the clerk's office of the said county of Monroe, such determination shall be final and conclusive in the premises; and the said commissioners shall be entitled to receive three dollars per day, for every day they may be necessarily employed in said service, which sum shall be levied, collected and paid, as part of the contingent expenses of the said county of Monroe.

Site of the
court-house
to be fixed.

III. *And be it further enacted*, That there shall be held in and for the county of Monroe, a court of common pleas, and a court of general sessions of the peace; and there shall be three terms of each of the said courts held in the said county in every year, to commence on the second Tuesdays of January, May and September, and each of the terms of the said courts may continue to be held, until the second Saturdays following the said Tuesdays inclusive: *Provided*, That no process issuing out of said courts shall be tested or made returnable in the second week of any of the said terms; and the said courts of common pleas and general sessions of the peace, shall have the same jurisdiction, powers and authority in the said county, as courts of common pleas and general sessions of the peace in the other counties of this state have in their respective counties: *Provided*, That nothing in this act contained shall be construed to effect any suit or action in any court whatsoever, already commenced, or that shall be commenced before the second Tuesday of May next, so as to work a wrong, or to prejudice the parties therein, or to effect any criminal or other proceeding on the part of the people of this state; but all such civil and

Courts.

Provide.

Provide.

criminal proceedings, shall and may be prosecuted to trial, judgment and execution, as if this act had not been passed.

Terms of the courts,

IV. *And be it further enacted*, That the first term of the said courts of common pleas and general sessions of the peace, in and for the said county of Monroe, shall be holden at the house of A. Ensworth and Son, innkeepers, in the village of Rochesterville, in the town of Gates : and all subsequent terms of the said courts at such place within the said county of Monroe, as the judges of the court of common pleas in and for said county, shall from time to time appoint, until the court-house in and for said county shall be erected, and so far completed as to be, in the opinion of the said judges, convenient to hold their courts therein ; and the said courts of common pleas and general sessions of the peace shall thenceforth be holden in and for said county in said court-house.

Prisoners where to be confined.

V. *And be it further enacted*, That it shall and may be lawful for all courts and officers in the said county of Monroe, in all cases, civil and criminal, to confine their prisoners in the gaol of the county of Ontario, until such time as there shall be a sufficient gaol prepared in the said county of Monroe ; and that it shall not be the duty of the justices of the Supreme Court, to hold a circuit in the said county of Monroe, until the expiration of one year, unless in their judgment they shall deem it necessary.

One member of assembly to be elected.

VI. *And be it further enacted*, That the said county of Monroe, shall be entitled to elect one member of assembly, and the county of Ontario shall be entitled to choose six members of the assembly, in the same manner as the other counties within this state are by law entitled.

Supervisors to meet,

VII. *And be it further enacted*, That it shall be the duty of the supervisors and county treasurers of the said counties of Ontario, Genesee and Monroe, to meet on the first Monday of June next, at the house of William Hosmer, in the town of Avon, in the county of Ontario, and apportion all the monies in the hands of the respective treasurers of the counties of Ontario and Genesee, in such manner as shall be just and equitable.

Town of Sweden.

VIII. *And be it further enacted*, That that part of the town of Sweden, in the county of Monroe, shall be a separate town by the name of Sweden ; and the first town meeting shall be held on the first Tuesday of April next, at the house of Reuben Stickney, jun. in said town ; the remaining part of the town of Sweden shall be, and remain a separate town, by the name of Clarendon ; and the first town meeting in Clarendon, shall be held at the school house, near Eldridge Farewell's.

Clarendon.

Caledonia.

IX. *And be it further enacted*, That all that part of the town of Caledonia, not included within the limits of the county of Monroe, according to the description thereof, herein before given, shall be a separate town, by the name of Caledonia ; and the first town meeting shall be held at the house of Peter Bowen, in said town : and that part of the town of Caledonia included within the limits of the county of Monroe, shall be erected into a new town by the name of Inverness ; and the first town meeting in Inverness, shall be held on the first Tuesday of April next ; at the house of Powell Carpenter, in said town.

Inverness.

X. *And be it further enacted*, That all that part of the town of Rush, not included within the limits of the county of Monroe,

according to the description thereof, herein before given, shall be and is hereby annexed to the town of Avon.

XI. *And be it further enacted*, That the supervisors and overseers of the poor, in the towns of Caledonia and Inverness, shall meet on the second Monday of June next, at the house of Peter Bowen, in the village of Caledonia, and shall divide the monies and poor belonging to the said towns, and thereafter each of the said towns shall maintain its own poor. Supervisors of Caledonia & Inverness,

XII. *And be it further enacted*, That the supervisors and overseers of the poor in the town of Sweden and the town of Clarendon, shall meet on the second Monday of June next, at the school house near Eldridge Farewell's, in the town of Clarendon, and shall divide the monies and poor belonging to the said towns; and thereafter each of the said towns shall maintain its own poor. Of Sweden & Clarendon.

XIII. *And be it further enacted*, That Elisha Ely and Levi Ward, junior, of the town of Brighton, and James Seymour, of the town of Clarkson, be and they are hereby appointed commissioners to superintend the building of a court-house and gaol, on such site or sites, within the said county of Monroe, as the commissioners appointed in and by the second section of this act, for that purpose, shall designate: *Provided*. That a suitable and convenient lot, or suitable and convenient lots, therefor, shall have been first conveyed to the supervisors of said county, and their successors for ever:—And whenever the said gaol shall be so far completed, as, in the opinion of the sheriff of the said county, it will be safe to remove the prisoners thereto, it shall and may be lawful for the said sheriff to remove all his prisoners, then confined in the gaol of the county of Ontario, or on the limits thereof, to the said gaol in the county of Monroe, and such removal shall not be considered an escape. Commissioners to superintend buildings.

XIV. *And be it further enacted*, That, for the building of the said court house and gaol, the supervisors of the several towns in the county of Monroe, for the time being, or a majority of them, shall be and they are hereby authorised and required to meet at the house of Azel Ensworth and Son, in the town of Gates, on the second Tuesday of September next, to cause to be assessed, collected, and paid into the treasury of the said county, the sum of five thousand dollars, and also at their second annual meeting thereafter, the further sum of five thousand dollars, over and above the ordinary fees of collection, in like manner as taxes, to defray the contingent expenses of said county, are assessed, collected and paid. Money to be assessed.

XV. *And be it further enacted*, That the said commissioners, or a majority of them, may contract with the workmen, and purchase materials, for building said court-house and gaol, and shall, from time to time, draw upon the treasurer of the said county, for such sums of money, for the purposes aforesaid, as shall come into the treasury by virtue of this act; and the treasurer is hereby required, out of the monies aforesaid, to pay to the order of the said commissioners, or a majority of them, the several sums of money to be by them drawn for: And it is hereby made the duty of the said commissioners to account with the supervisors of the said county of Monroe, for the monies which they shall have received from the treasury, when thereunto required. Workmen to be contracted with.

CHAP. LVIII.

AN ACT to erect a new county, by the name of Livingston, out of parts of the counties of Ontario and Genesee, and for other purposes.

Passed February 23, 1821.

County of
Livingston
created.

I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That all that part of the counties of Ontario and Genesee, beginning at the southeast corner of the town of Springwater, thence west along the south line of the towns of Springwater and Sparta, in the county of Ontario ; thence west along the south line of Mount Morris, to the southwest corner of said town, in the county of Genesee ; thence north along the west line of the towns of Mount Morris, Leicester, York, and so far on the west line of the town of Caledonia, as that a line drawn due east will strike one mile north of the house of Peter Bowen, in said town ; thence due east through the town of Caledonia to the centre of Genesee river ; thence along the centre of the river to the mouth of the Honeoye creek ; thence eastwardly along the centre of said creek through the town of Rush ; thence to the northwest corner of the town of Lima, and along the north and east line of the town of Lima, so far as said town is bounded by the Honeoye creek ; thence along the south line of Lima to the northeast corner of the town of Livonia ; thence along the east line of the towns of Livonia and Freeport to the town of Springwater ; thence east along the north line of Springwater to its northeast corner ; thence south along the east line of said town to the place of beginning, shall be a separate county, to be called and known by the name of Livingston.

Courts.

II. And be it further enacted, That there shall be held in and for the county of Livingston, a court of common pleas and a court of general sessions of the peace, to be held in three terms, to commence as follows, to wit : the first term of the said courts shall begin on the last Tuesday of May, and the second term of the said courts shall begin on the last Tuesday of September, and the third term of the said courts shall begin on the last Tuesday of January in each and every year ; and the said courts of common pleas shall have the same jurisdiction, powers, and authority in the said county, as courts of common pleas and general sessions of the peace in the other counties of this state have in their respective

Proviso.

counties : *Provided,* That nothing in this act contained, shall be construed to affect any suit or action in any court whatever already commenced, or that shall be commenced before the first day of April next, so as to work a wrong, or to prejudice the parties therein, or to affect any criminal or other proceedings on the part of the people of this state ; but all such civil and criminal proceedings shall and may be prosecuted to trial, judgment and execution, as if this act had not been passed : *And provided also,* That no proceedings, before any judge or commissioner authorised to act under the insolvent laws of this state, now pending, or that may be pending on the first day of April next, shall in any man-

Proviso.

her be affected by the passage of this law, or the law erecting the county of Monroe.

III. *And be it further enacted*, That the said courts of common pleas and general sessions of the peace, in and for the said county of Livingston, shall be held in the brick academy in the village of Geneseo, until the court-house in and for said county shall be erected, and so far completed as to be, in the opinion of the judges of the court of common pleas in and for said county, convenient to hold their courts therein; and the said courts of common pleas and general sessions of the peace, shall thenceforth be holden in and for said county, in said court-house. Courts where to be held.

IV. *And be it further enacted*, That the freeholders and inhabitants of the said county of Livingston, shall have and enjoy all and every the same rights, powers and privileges, as the freeholders and inhabitants of any of the counties of this state are by law entitled to have and enjoy. Privileges.

V. *And be it further enacted*, That it shall and may be lawful, for all courts and officers of said county of Livingston, in all cases civil and criminal, to confine their prisoners in the gaol of the county of Ontario, and that it shall not be the duty of the justices of the supreme court to hold a circuit in the said county of Livingston, until the expiration of one year, unless in their judgment they shall deem it necessary. Prisoners.

VI. *And be it further enacted*, That the said county of Livingston shall be entitled to elect one member of the assembly, and the county of Ontario shall be entitled to choose five members of assembly, in the same manner as the other counties within this state are by law entitled. One member of assembly.

VII. *And be it further enacted*, That it shall be the duty of the supervisors and county treasurers of the said counties of Ontario, Genesee, and Livingston, to meet on the second Tuesday of June next, at the house of James Ganson, in the town of Avon, in the county of Livingston, and apportion all the monies in the hands of the respective treasurers of the counties of Ontario and Genesee, as to them or a majority of them, shall appear to be just and equitable. Monies to be apportioned.

VIII. *And be it further enacted*, That all that part of the township of Caledonia, which lies within the county of Livingston, as before directed, shall be a separate town by the name of Caledonia, and the first town meeting shall be held at the house of Peter Bowen, in said town; that all that part of the township of Rush, which lies in the county of Livingston, according to the line as herein before mentioned, shall be and is hereby annexed to the town of Avon. Caledonia.

IX. *And be it further enacted*, That it shall be the duty of the commissioners of common schools, in the several towns which are divided by this act, to meet at the same time and place where the supervisors and overseers of the poor are directed to meet, and make an equitable apportionment of the monies in their hands, if any there be. Common schools.

X. *And be it further enacted*, That the court-house and gaol of the county of Livingston, shall be erected at such place in said county as commissioners shall designate, and that Gamaliel H. Barstow, Archibald S. Clarke, and Nathaniel Garrow, are hereby Court house and gaol.

appointed commissioners for that purpose, whose duty it shall be to meet on the second Tuesday of May next, at the house of James Ganson, in the town of Avon, and then proceed to examine, establish, and fix the site for such court-house and gaol, whose decision shall be conclusive in the premises ; and that the said commissioners shall be entitled to receive three dollars per day, for every day they may be necessarily employed in said service, which sum shall be levied, collected and paid as part of the contingent expenses of the said county of Livingston : *Provided further*, That a suitable and convenient lot for said court-house and gaol shall have been first conveyed to the supervisors of said county and their successors for ever : *And provided further*, That whenever the gaol, in and for said county of Livingston, shall be so far complete, as in the opinion of the sheriff of the said county it will be safe to remove the prisoners thereto, it shall and may be lawful for said sheriff to remove all his prisoners then confined in the gaol of the county of Ontario, or on the limits thereof, to the said gaol in the county of Livingston, and such removal shall not be considered an escape.

Money to be assessed.

XI. *And be it further enacted*, That the supervisors of the several towns in the county of Livingston, for the time being, or a majority of them, shall be and are hereby authorised and required at their first annual meeting, to ascertain, determine and declare what sum is fit and proper to be raised and levied on the freeholders and inhabitants of the said county, for the purpose of erecting and finishing a court-house and gaol for said county ; and they are further authorised and required, at their first annual meeting, to divide the sum that shall have been determined as fit and proper to be raised and levied on the freeholders and inhabitants of said county, for the purpose of erecting and finishing a court-house and gaol for said county, into three equal parts ; and they shall at the first, and two succeeding annual meetings, be and they are hereby authorised and required to direct to be raised and levied, on the freeholders and inhabitants of the said county, at each of their said meetings, one equal third part of the sum they shall have so declared as fit and proper for erecting and finishing a court-house and gaol for said county.

Commissioners.

XII. *And be it further enacted*, That William Wadsworth, Daniel H. Fitzhugh, and William Markham, shall be, and are hereby appointed commissioners to superintend the building of said court-house and gaol, in said county of Livingston, and shall account to the supervisors of said county for all monies which they may have received, whenever thereunto required : *Provided*, That the commissioners shall first have given bonds, with approved security, to the said supervisors, for the faithful performance of the trust reposed in them, and that the said commissioners shall receive one dollar and fifty cents per day, for their services, for each day they may be actually employed in the duties of their said office, which said accounts shall be audited by the board of supervisors, and paid as other contingent charges of the county.

May contract with workmen.

XIII. *And be it further enacted*, That the said commissioners, or a majority of them, may contract with the workmen, and purchase materials for building said court-house and gaol, or may cause the said court-house and gaol to be built in any other way

they may deem for the best interest of the county, and shall from time to time draw upon the treasurer of the said county for such sums of money, for the purposes aforesaid, as shall come into the treasury by virtue of this act, and the treasurer is hereby required out of the monies aforesaid, to pay to the order of the said commissioners, the several sums of money to be by them drawn for, and it is hereby made the duty of the said commissioners to account with the supervisors of the said county for the monies which they shall have received from the treasury when thereunto required.

XIV. *And be it further enacted*, That it shall be lawful for the treasurer of the county of Livingston to retain in his hands one cent on each dollar, for his trouble in receiving and paying out the monies directed to be raised in the said county by this act.

Treasurer's fees.

CHAP. LIX.

AN ACT to alter the time of holding Town Meetings, in the town of Pembroke, in the county of Genesee.

Passed February 23, 1821.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the annual town meetings in the town of Pembroke, in the county of Genesee, shall hereafter be held on the first Tuesday of April annually ; and that all such town officers, whose duty it was to meet on the last Tuesday in February, shall meet on the last Tuesday in March, in every year, to do and transact such business as to their respective offices may appertain.

First Tuesday of April, town meeting held.

CHAP. LX.

AN ACT for the relief of the Wardens and Vestry of St. George's Church, in the city of Schenectady.

Passed February 23, 1821.

WHEREAS the wardens and vestry of St. George's church, in the city of Schenectady, were, previous to the year of our Lord one thousand eight hundred and eleven, seised in fee of a farm in the town of Princetown in said county : That on the fourth day of July, in the said year, they entered into a contract for the sale of the same to Solomon Kelly : That they are desirous of conveying their title to the said land in pursuance of their contract, which they have recently been informed they are not authorised to do without legislative aid, and have prayed that they may be authorised to sell and convey the same : Therefore,

Preamble.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the wardens and vestry of St. George's church, in the city of Schenectady, to sell and convey to Solomon Kelly, all the right and title which the said wardens and vestry of St. George's

Certain lands may be conveyed to S. Kelly.

church, in the city of Schenectady, have to a certain lot or parcel of land, situate in the town of Princetown, in said county, and now in possession of the said Solomon Kelly, under and by virtue of an agreement, and such conveyance when so made and executed, shall to all intents and purposes, vest in the said Solomon Kelly, his heirs and assigns for ever, all the estate, right, title and interest of the said wardens and vestry of St. George's church, in and to the said lot of land, and every part and parcel thereof.

CHAP. LXI.

AN ACT *relative to the incorporation of Lancastrian and other Schools.*

Passed February 23, 1821.

Schools how
to be erected.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That it shall and may be lawful for the founders and benefactors of any school, now or hereafter to be established within this state, for the instruction of youth on the system of Lancaster or Bell, or according to any other improved plan of elementary education, or as many of them as shall have contributed more than half in value of the real or personal property, collected or appropriated for the use or benefit thereof, by an instrument in writing under their hands and seals, setting forth the names of the trustees of such school, being not more than twelve nor less than five, and specifying the name by which the said trustees are desirous of being called and distinguished, to request of the "regents of the university of the state of New-York" that such school should be incorporated; and the said regents shall upon every such request, if they conceive the erection of such school to be conducive to the diffusion of useful knowledge, by an instrument under their common seal, signify their approbation of the incorporation of the trustees of such school, by the name mentioned in and by their said request in writing; which said instruments of request and approbation by the regents shall be recorded in the office of the clerk of the county wherein such school shall be situated.

II. *And be it further enacted,* That the trustees so constituted, shall be the first trustees of the school for which they shall be appointed, and immediately after recording the said several instruments of request and approbation, shall be legally invested with all the real and personal estate appertaining to such school or given or granted for the use thereof, and the said trustees from the time of recording the instrument aforesaid and their successors, for ever after shall be a body corporate, by the name and style expressed in such instrument, and by that name shall have perpetual succession, and be capable in law to sue and be sued, defend and be defended, in all courts and causes, matters and things whatsoever, and shall lawfully hold, use and enjoy, the lands, tenements and hereditaments, appertaining to the school for which they shall be constituted trustees, and shall and may lawfully hold, take, purchase and enjoy, lands, tenements and hereditaments, and use and employ such goods and chattels, in such manner as they

shall judge to be most beneficial and conducive to the ends of their trust: *Provided*, That the annual revenue or interest, arising from the real and personal estate of such incorporated school, shall not exceed the sum of three thousand dollars. Proviso.

III. *And be it further enacted*, That it shall and may be lawful for such trustees to have and use a common seal, and the same to alter or renew at pleasure, and the majority of such trustees shall be a sufficient quorum for the transaction of all business relating to such school, and shall have full power to adjourn, from time to time, as the duties of their trust may require, and to appoint a treasurer and clerk, masters, assistants and other necessary officers, and to fix their respective salaries or compensations, and to remove or suspend any of them at pleasure, and also to appoint the times and place of their own regular meetings, and to make by-laws as well for their own regulation as for the government and instruction of scholars, and for the paying and disposing of the revenues, and managing the estate, revenues and affairs of such school, in such manner as they may judge to be most conducive to its interests. Powers of the trustees.

IV. *And be it further enacted*, That whenever a vacancy shall happen in any corporation, of trustees of such school, by the death, resignation, or refusal to act of any trustee, it shall and may be lawful, to and for the trustees of such school, and they are hereby authorised and required, at any legal meeting of the trustees, to elect and choose a fit person to fill such vacancy. Vacancies.

V. *And be it further enacted*, That if any trustee of any such school so to be incorporated as aforesaid, shall refuse or neglect to attend the stated meetings of the said trustees, for four meetings in succession, the same shall be taken and considered as a resignation of such trustee, and thereupon the trustees of said school shall declare the seat of said trustee to be vacant, and shall proceed in manner aforesaid, to elect and choose some fit person to fill such vacancy. Resignations

VI. *And be it further enacted*, That it shall and may be lawful for the trustees of any one or more school districts, established under the act entitled "An act for the support of common schools," within which such school so to be incorporated shall be established, by and with the consent of a majority of the inhabitants of the said district or districts, to be expressed at a meeting to be called for that purpose, to agree with the trustees of such incorporated school, to make the same a district school, for all the purposes of the said act, and the same shall thereupon, during the continuance of such agreement, become and be, to all intents and purposes such district school, and as such shall be entitled to all benefits and privileges, and subject to all the provisions of the said act. Districts.

VII. *And be it further enacted*, That it shall be the duty of the commissioners of the school money, for the city and county of New-York, to pay to the trustees of any and every school which may be incorporated under the provisions of this act, within the said city and county, from the monies apportioned to and raised upon the said city and county, in pursuance of an act entitled "An act, supplementary to the act, entitled "An act for the establishment of common schools," such proportion of the said monies so apportioned and raised, as the average number of children, between the ages of School money.

four and fifteen years, taught free of expense at any such school, shall bear to the whole number of children between the same ages, taught free of expense in the several schools within the said city and county, which may then be by law entitled to a proportionate share of the school monies so apportioned and raised.

CHAP. LXII.

AN ACT to extend the Gaol Liberties in the county of Jefferson.

Passed February 23, 1821.

Territory included in gaol limits.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That from and after the passing of this act, the gaol limits of the county of Jefferson shall be extended so as to include the territory comprehended within the following boundaries, to wit : Beginning at a stake on the north bank of the Black river, distance four chains above the northeasterly end of the factory bridge across said river, in the vicinity of the village of Watertown, and running from thence south thirty-three and one half degrees west forty-four chains and forty-nine links to a stake on the southwesterly margin of the Black river state road ; thence south seventy-three degrees, west forty-nine chains and eighteen links to a stake, a little west of the west margin of Washington-street ; thence north thirty-three degrees west, seventy-eight chains and sixty-two links, to a black ash stake and stones on the land of Oren Stone ; thence north fifty-seven degrees east forty-four chains and thirty-four links to a stake and stones standing in the rear of the village of Williamstown, in the town of Pamela ; thence along the rear of said village, south forty degrees east, twenty-six chains and thirteen links ; thence south fifty degrees, west eleven chains and ninety links to the north bank of the aforesaid river ; and thence up the said river, along the high water mark of the said bank, as it winds and turns, to the place of beginning.

Expenses of surveying how paid.

II. *And be it further enacted,* That the just and reasonable expenses of surveying and establishing the aforesaid limits, be audited and allowed by the board of supervisors of said county, in the same manner that other contingent charges against said county are allowed.

CHAP. LXIII.

AN ACT to revive the incorporation of the Village of Whitesborough, and to vest further powers in the Trustees of said Village.

Passed February 23, 1821.

Preamble. WHEREAS it is represented that the act for incorporating the village of Whitesborough, is deemed to have expired by reason of the neglect to choose trustees, on the day when, by law, they ought to have been chosen : Therefore,

I. *BE it enacted by the People of the State of New-York,* Act revived.
represented in Senate and Assembly, That the act, entitled
 "An act to vest certain powers in the freeholders and inhabitants
 of the village of Whitesborough, and for other purposes," passed
 the 26th day of March, 1813, be and the same is hereby revived
 and continued in full force, so far as the said act relates to the said
 village of Whitesborough; and it shall and may be lawful for the
 freeholders and inhabitants residing in said village, qualified to
 vote in town meetings, on the first Tuesday in April next, to meet
 and elect trustees for said village, upon due notice according to
 the provisions of the aforesaid act, and instead of the second Tues- Trustees to
be elected.
 day in May, the meeting for choosing trustees in said village, shall
 in each year hereafter, be held on the first Tuesday in April : Recital,
And whereas the Erie canal has been laid out and completed
 through said village, whereby it has become necessary to lay out
 and open new streets to accommodate said village :

II. *Be it further enacted,* That in addition to the powers Power as to
street, &c.
 conferred by the act aforesaid, the trustees of said village, for the
 time being, or a majority of them, duly convened, shall have pow-
 er from time to time, to lay out, open and make streets and lanes
 within said village, of such width, extent and direction as to them
 shall seem most conducive to the public good, and to alter, shut
 up or discontinue the same, as they shall deem proper : *Provided,* Provide.
 That no dwelling house or store exceeding three hundred dollars
 in value, shall be removed without the consent of the owner.

III. *And be it further enacted,* That it shall be the duty of Maps, &c. to
be made and
filed.
 the said trustees to cause to be made two similar maps of such
 streets or lanes so to be laid out by them, with such field notes of
 the survey thereof, and other explanatory remark as the nature
 of the subject may require, which maps, accompanied with such
 field notes and remarks shall be certified and subscribed by the
 proper names and signatures of said trustees, and one thereof shall
 be filed in the office of the clerk of Oneida county, and the other
 of said maps shall be retained and kept by the said trustees.

IV. *And be it further enacted,* That whenever the trustees of Damages to
owners how
ascertained
and paid.
 said village shall be desirous to open any street or lane so to be
 laid out, it shall be lawful for said trustees to agree with the own-
 er or owners of any lands, tenements or hereditaments, for and
 concerning a reasonable compensation to be made to him, her or
 them, for such lands, tenements or hereditaments, and in case of
 disagreement, or in case such owner or owners shall be *feme covert*,
 under age, non compos mentis, or unknown to the trustees, it shall
 be lawful for any two judges of the court of common pleas,
 in the county of Oneida, upon application of the said trustees, to
 view the said lands, tenements and hereditaments, and to estimate
 and appraise the damages such owner or owners respectively will
 sustain by appropriating the said lands, tenements or hereditaments
 for the use of streets or lanes as aforesaid, which estimate and ap-
 praisement shall be certified in writing by the said two judges,
 and one copy thereof shall be delivered to the said trustees, and
 another copy thereof shall be delivered to the owner or owners of
 the lands, tenements or hereditaments, so to be appraised, or shall
 be filed in the office of the clerk of said county for the benefit of
 such owner or owners : *Provided however,* That it shall be at Provide.

the election of such owner or owners respectively, of the lands, tenements or hereditaments, so included in any street or lane, to be laid out as aforesaid, if under no legal disability, and competent to elect, to have his or her damages assessed by two judges as aforesaid, or by two justices of the peace, and a jury, according to the provisions of the sixth section of the act, entitled "An act to regulate highways." and the expenses of such appraisement, in either mode, shall be defrayed by said trustees: *Provided*, That no judge, justice or juror, who is a resident of the village, shall act in the assessment of damages.

Power to enter upon land.

V. *And be it further enacted*, That it shall and may be lawful to and for the said trustees, and for all persons acting under their authority, to enter in the day time into and upon any lands, tenements or hereditaments belonging to any individual which they shall deem necessary to be surveyed, used or converted for the laying out, opening, and forming any street or lane, as aforesaid.

Assessments how made.

VI. *And be it further enacted*, That over and above the other assessments heretofore authorised by law, the said trustees immediately after any appraisement or assessment of damages for lands, tenements or hereditaments, so to be taken for the purpose of any street or lane, or price agreed on for the same, shall assess the amount of such damages and costs, on the several inhabitants of said village, in proportion to the advantages which the said trustees shall deem to result to each inhabitant from the laying out, opening and improving such streets and lanes as aforesaid, which sums so to be assessed on the several inhabitants of said village, shall be levied and collected according to the provisions, and subject to the same right of appeal, as is allowed in and by the said act, entitled "An act to vest certain powers in the freeholders and inhabitants of the village of Whitesborough, and for other purposes."

Appeal given

Assessments to be paid over, &c.

Proviso.

VII. *And be it further enacted*, That as soon as the said sum or sums, so assessed, shall be levied and collected, the said trustees shall pay over the same to the person or persons to whom the same shall have been awarded for damages as aforesaid: *Provided nevertheless*, That whenever any of the proprietors of any such lands, tenements or hereditaments shall be infants, non compos mentis, or feme covert, the said trustees shall pay over the sums so awarded to them respectively, into the court of common pleas of said county, to be secured, disposed of, and improved as the said court shall order, for the benefit of such infant, non compos mentis, or feme covert.

Streets, &c. deemed public highways.

Proviso.

VIII. *And be it further enacted*, That all the streets and lanes, so as aforesaid to be laid out and opened, shall be deemed and taken to be public highways, and shall be worked and kept in repair under the direction of the commissioners and overseers of highways in the town of Whitestown, as part of the public highways in said town, in the same manner as the present streets of the said village hitherto have been: *Provided always, and it is hereby expressly enacted*, That the trustees of said village shall have no power to alter or discontinue any of the streets or highways heretofore established according to law, and now used as highways in said village, or to enter upon, work or open any lane or street, laid out by this act, until the owner or owners of the

land have been paid and satisfied for the damages which may have been assessed, according to the provisions of the fourth section of this act.

CHAP LXIV.

AN ACT for the relief of *Parmenio Adams.*

Passed February 24, 1821.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the comptroller, to deliver to *Parmenio Adams*, any original orders or powers of attorney, on file in his office, which may have been drawn by any person entitled to the bounty granted by the "Act authorising additional pay to be made to the volunteers, and for paying the militia called into service by the state authority," passed October 21, 1814, in order to enable the said *Parmenio Adams* to settle his accounts with the government of the United States, and the comptroller shall preserve copies of such orders, and shall take a receipt for the same from the said *Parmenio Adams*.

Papers to be delivered to P. Adams.

CHAP. LXV.

AN ACT appointing *State Printers.*

Passed February 27, 1821.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That *Moses I. Cantine* and *Isaac Q. Leake*, of the city of Albany, be and they are hereby appointed printers to the state, in lieu and instead of *Jesse Buel*, and shall be subject to the like duties and entitled to the like compensation now allowed and enjoined by law, concurrent resolutions or contract appointing the printer to this state.

M. I. Cantine and I. Q. Leake appointed state printers.

II. *And be it further enacted,* That all notices and advertisements, the publication of which have been commenced in the *Albany Argus*, printed by the said *Jesse Buel*, in pursuance of any law of this state, may be continued in the paper to be printed by the said *Moses I. Cantine* and *Isaac Q. Leake*, and shall have the same effect to all intents and purposes, as they would have had provided this act had not passed.

Continuance of notices.

CHAP. LXVI.

AN ACT to alter the time of holding Town Meetings, in the town of Otisco, in the county of Onondaga.

Passed February 27, 1821.

1st Tuesday
of March,
town meet-
ing.

Proviso.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the annual town meetings of the freeholders and inhabitants of the town of Otisco, in the county of Onondaga, shall be held on the first Tuesday in March in every year, and that all such town officers whose duty it is to meet on the last Tuesday of March, shall meet on the last Tuesday in February, in every year, to do and transact such business as to their respective offices may appertain : *Provided*, this act shall not take effect previous to the next annual town meeting.

CHAP. LXVII.

AN ACT respecting the American Citizens who perished in the Jersey Prison-Ship, during the Revolutionary War.

Passed February 27, 1821.

1000d. ap-
propriated
for a monu-
ment.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the treasurer, on the warrant of the comptroller, shall pay to Benjamin Romaine, the sum of one thousand dollars, out of any monies not otherwise appropriated, to be applied to the erection of a suitable monument, according to the intent and meaning of the act of April the 11th, 1808, entitled "An act respecting the American citizens who perished in the Jersey prison-ship, during the revolutionary war," and that the said Benjamin Romaine shall account to the comptroller of this state for the faithful expenditure of the said money, in erecting the monument contemplated by this act, and that the said act of April the 11th, 1808, be and the same is hereby repealed.

CHAP. LXVIII.

AN ACT to divide the town of Perry, in the county of Genesee,

Passed February 27, 1821.

Town of On-
the erected.

I, BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That all that part of the now town of Perry, south of a line drawn parallel with the division line between the third and fourth tier of lots, on the little Lake Tract, at eighty rods south therefrom, shall constitute a separate town by the name of Castile, and that the first annual town meeting shall be held at the house of Jennet Whaley in said town, and that all the remaining part of the town of Perry, shall be and re-

main by the name of Perry, and that the first annual town meeting shall be held at the house of Loami Hall, in said town.

II. *And be it further enacted*, That the supervisors, justices of the peace and overseers of the poor, within the said towns of Castile and Perry, shall meet on the first Monday in May next, at the house of Loami Hall, in the town of Perry, and divide the poor and all money belonging to the said original town of Perry, and make such further arrangement relative thereunto as justice may require.

Division of
poor and mes-
sies, &c.

CHAP. LXIX.

AN ACT to enable the Mayor, Aldermen and Commonalty of the city of New-York, to raise money by a tax.

Passed February 27, 1821.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly* That the mayor, recorder and aldermen of the city of New-York, as the supervisors of the city and county of New-York, or a majority of them, of whom the mayor or recorder shall be one, shall be and hereby are empowered, as soon as conveniently may be after the passing of this act, to order and cause to be raised, by tax on the estates real and personal of the freeholders and inhabitants of and situated within said city, to be collected, a sum not exceeding one hundred and forty thousand dollars, to be applied to the support and maintenance of the poor of the said city and county, the support and maintenance of criminal persons, the support and repairs of the Bridewell and penitentiary of the said city, the repairing and taking care of other public buildings of the said city, belonging to and under the custody and care of the mayor, aldermen and commonalty of the city of New-York, the making, regulating, repairing and improving the public roads in the said city and county, the defraying other contingent expenses arising within and properly chargeable to the said city and county, and for the defraying the expenses which the mayor, aldermen and commonalty, of the said city of New-York may sustain or be put to, in executing the powers vested in them by the act passed the ninth day of April, one thousand eight hundred and thirteen, entitled "An act to reduce several laws relating particularly to the city of New-York into one act," and also such further sum, by a tax as aforesaid, as is required to be raised by a tax in the said city, for the support of common schools, and as may be necessary for supplying the deficiencies of taxes upon any and every of the wards of the said city, imposed or laid during the year one thousand eight hundred and twenty, owing to the insolvencies of the collectors of the said wards, or any or either of them, or their inability to collect the said tax, and also for defraying the whole of the expense for collecting the taxes to be raised as aforesaid, such deficiencies as aforesaid however, to be assessed on the estates real and personal, of the inhabitants of and situated within the said wards respectively where they shall happen as aforesaid; and also a further sum

140,000 Dollars to be raised by tax.

How applied.

A further tax
of 110,000 dls.
to be imposed

How applied.

How assessed
& collect-
ed.

To whom
paid.

Compensa-
tion to collec-
tors, &c

not exceeding one hundred and ten thousand dollars, by a tax on the estates real and personal of the freeholders and inhabitants of and situate within the said city, to the southward of a line beginning at the North River at a place called Decklyne's ferry, a little to the northward of State-Prison, and running thence easterly in front of the new bank houses to the road called sandy hill road, and through the said road to the northward of Potters' Field and the house of William Neilson, to Broadway, through Broadway to Thirteenth street, and through Thirteenth street to the East river, including the lots fronting on both sides of the line thus designated; to be applied to the payment of so many watchmen as the mayor, aldermen and commonalty of the city of New-York, in common council convened, shall appoint and employ for watching and guarding the said city, to the purchasing of oil, providing lamps and putting up the same, and repairing, cleansing and lighting those which now are or may hereafter be erected within that part of the said city last described, to the cleansing and repairing public wells and pumps in the said city, and to the defraying the other contingent expenses arising within and properly chargeable to that part of the said city to the southward of the line aforesaid, as the said mayor, aldermen and commonalty, in common council convened, may from time to time direct; and also such further sum, by a tax as aforesaid, as may be necessary for supplying the deficiencies of taxes, upon all that part of the city to the southward of the line aforesaid, during the year one thousand eight hundred and twenty, owing to the insolvencies of the collectors of the said wards, or any or either of them, or their inability to collect the said tax, and also for defraying the expenses of collecting said taxes, such deficiencies however, to be assessed on the estates real and personal of the freeholders and inhabitants of and situate within the said wards respectively, where they shall happen as aforesaid, to the southward of the line aforesaid.

II. *And be it further enacted*, That the said several sums of money shall be assessed in manner directed by the act entitled "An act for the assessment and collection of taxes," and each person's tax in one ward, shall be collected in one payment, and the monies so collected paid into the hands of the treasurer or chamberlain of the said city, at such times after the passing of this act, as the said mayor, recorder and aldermen, as the supervisors of the city and county of New-York, or a majority of them, of whom the mayor or recorder shall be one, shall appoint and direct.

III. *And be it further enacted*, That it shall be lawful for the collectors of the first, second and third wards of the said city, to retain in their hands two cents on each dollar by them collected; the collector of the fourth ward of the said city to retain in his hands four cents on each dollar by him collected; the collectors of the fifth, sixth, seventh, eighth and tenth wards of said city to retain in their hands four and one half cents on each dollar by them collected, and the collector of the ninth ward of the said city to retain in his hands five and one half cents on each dollar by him collected, and no more, as a full compensation to each of the said collectors respectively, for their trouble in collecting and paying to the said treasurer or chamberlain the monies which shall be raised by virtue of this act.

CHAP. LXX.

AN ACT *relative to the duties of the Commissioner of Excise, in the city of New-York.*

Passed February 27, 1821.

I. *BE it enacted by the People of the State of New-York, re-* Certain pen-
presented in Senate and Assembly. That the act entitled "An alties in New
act to require overseers of the poor to sue for penalties incurred York not to
under certain penal statutes," be repealed so far as the same re- be sued for by
lates to the city and county of New-York. overseer of
the poor.

II. *And be it further enacted,* That it shall be lawful for, and But excise
shall be the duty of the commissioner for collecting the duty of ex- commissioner
cise, of and from the several retailers of strong or spiritous liquors to perform
in the city of New-York, to sue for, prosecute and recover, in his that duty.
own name, but for the use of the poor of the said city, in any court
of competent jurisdiction, every penalty incurred in the said city
under the act entitled "An act to lay a duty on strong liquors and
for regulating inns and taverns."

III. *And be it further enacted,* That if the said commissioner Common
shall commence any action for any such penalty in the supreme pleas' costs
court or any court of common pleas, and shall obtain a judgment taxable in
against the defendant, he shall recover common pleas costs, and if certain cases.
the defendant in any such action shall obtain judgment, he shall
only be entitled to recover such costs.

IV. *And be it further enacted,* That no such suit shall abate, Suit not to a-
by reason of the death or going out of office of any such commis- bate by death
sioner, but may be continued in his name by the attorney who &c.
shall commence such suit: *And further,* That it shall be no objec-
tion to the competency of any juror or witness in any such suit, Jurors and
that he is a taxable inhabitant of the city and county of New- witnesses.
York.

V. *And be it further enacted,* That it shall be the duty of the Duty of ex-
said commissioner, to pay over to the chamberlain of the said city, cise commis-
all penalties which he may recover by virtue of this act, after de- sioner in pay-
ducting all expenses and all costs which may be recovered against ing over mo-
him from time to time, and also such sum for his services, as the nies, &c.
mayor, aldermen and commonalty of the city of New-York may
from time to time think proper to allow him.

CHAP. LXXI.

AN ACT *concerning Swine in the city of New-York.*

Passed February 27, 1821.

BE it enacted by the People of the State of New-York, re- Powers of the
presented in Senate and Assembly, That it shall be lawful for corporation in
the mayor, aldermen and commonalty of the city of New-York, regard to
in common council convened, or the major part of them, to make swine.
and establish, from time to time, such laws and ordinances as
they may deem necessary for the purpose of preventing swine

from running at large in any of the streets, alleys, lanes and public places in the said city, and for impounding or forfeiting all swine which shall be found so running at large in said city, for such uses and purposes as the said the mayor, aldermen and commonalty of the city of New-York in common council convened, may direct.

CHAP. LXXII.

AN ACT for the establishment of a Court of Common Pleas in the city and county of New-York, and for the appointment of a First Judge of the same.

Passed February 27, 1821.

- Preamble.** WHEREAS the mayor, aldermen and commonalty of the city of New-York, by their petition, under their common seal, have represented that the permanent tenure of judicial officers is advantageous in the administration of justice, and that provisions to the effect of those herein after contained, will be beneficial to the said city : Therefore,
- Cons. pleas established.** I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That the court of common pleas, called the mayor's court, of the said city, shall be, from and after the first day of April next, the court of common pleas, or county court, of the city and county of New-York, and shall be held on the days and times on which the mayor's court of the said city is now appointed to be holden, and shall have power to hear, try, and determine, according to law, all actions, real, personal and mixed, arising within the said city and county, and also all transitory actions, although the same may not have arisen within the said city and county ; and to grant new trials in all cases where the said court shall find it necessary and proper : *Provided,* That no new trial shall be granted, otherwise than for irregularity, unless one of the judges present and concurring, shall be of the degree of counsellor at law in the supreme court of this state.
- Jurisdiction.** II. *And be it further enacted,* That the first judge of the said court herein after mentioned, and the mayor, recorder and aldermen of the said city, shall be judges of the said court ; and the said first judge, or the said mayor, or the said recorder alone, or together with one or more of the said judges, shall have full power to hold the said court.
- Proviso.**
- Judges of the court declared.** III. *And be it further enacted,* That the said court in addition to the powers already mentioned, shall possess all the power and jurisdiction now belonging to the said mayor's court.
- Further jurisdiction.** IV. *And be it further enacted,* That the person administering the government of this state, by and with the advice and consent of the council of appointment, shall appoint, as soon as conveniently may be, and as often as the office shall become vacant, a first judge of the said court, who shall be a counsellor of the supreme court of this state, of three years' standing, to hold his office during good behavior, or until he shall have attained the age of sixty years.
- A first judge to be appointed.**

V. *And be it further enacted*, That the style of the said court shall be "The court of common pleas for the city and county of New-York," and that all proceedings commenced in the said mayor's court shall be continued in the said court of common pleas hereby established, in like manner as if this act had not been passed, except only the alteration in the style of the said court, and that all powers, authority and jurisdiction vested in, and all former acts relating to the said mayor's court, shall be vested in and apply to the said court hereby established, except so far as they may be inconsistent with this act. Style of the court.

VI. *And be it further enacted*, That the said first judge, the mayor, and the recorder, and the aldermen of the said city, or any three of them, of whom the said first judge, the said mayor, or the said recorder shall always be one, shall have power to hold courts of general sessions of the peace in and for the said city and county of New-York. Courts of general sessions

VII. *And be it further enacted*, That the said court of general sessions of the peace shall have the same power to hear, try and determine any indictment for any crime punishable with imprisonment in the state prison for life, when the said first judge shall preside in such court, and shall have, possess and exercise all powers, authority and jurisdiction vested in, and which the said court now has when the mayor, or recorder, being a counsellor of the supreme court of this state of three years' standing, doth preside therein. Jurisdiction of general sessions.

VIII. *And be it further enacted*, That the first motion fee, in every cause in this said court of common pleas, of seventy-five cents, to be paid at the time of issuing the first writ in such cause, shall be paid to the said first judge, and not to the said recorder. First motion fee how and to whom payable.

IX. *And be it further enacted*, That the mayor, aldermen and commonalty of the city of New-York, shall pay out of the treasury of the said city, to the recorder of the said city, for the time being, for his services, the sum of not less than fifteen hundred dollars, nor more than two thousand five hundred dollars, at their discretion, annually, to be paid quarter yearly, in equal proportions. Salary to recorder.

X. *And be it further enacted*, That the mayor, aldermen and commonalty of the city of New-York, shall pay out of the treasury of the said city, to the mayor of the said city, for the time being, the sum of not less than two thousand dollars, nor more than four thousand dollars, at their discretion, annually, for his services, to be paid quarter yearly, in equal proportions; and so much of the act, entitled "An act to reduce several laws relating particularly to the city of New-York, into one act," as provides for his receiving a greater compensation, be and the same is hereby repealed. Salary to mayor.

XI. *And be it further enacted*, That it shall be the special duty of the said first judge, to hold the said court of common pleas, and that it shall be the special duty of the said recorder to hold the said court of general sessions of the peace; but that it shall nevertheless be lawful for the said first judge to hold the said court of general sessions of the peace, and for the said recorder to hold the said court of common pleas. Duties of 1st judge and recorder in holding courts.

Certain act
not to apply
to aldermen.

XII. *And be it further enacted*, That the act, entitled "An act to vest certain powers in certain judges of the courts of common pleas, and for other purposes," shall not be deemed to apply to any aldermen of the said city.

Seal of court.

XIII. *And be it further enacted*, That it shall be the duty of the clerk of the said court of common pleas, in the city and county of New-York, forthwith, after the said first Monday of April next, to cause the present seal of the court of common pleas, called the mayor's court of the city of New-York, to be altered, or to make a new seal, leaving off the words "Mayor's court of the city of New-York," and substituting the words "Common pleas of New-York;" and that it shall be lawful for the clerk of the said court of common pleas to use such seal in the manner and according to the directions of "An act concerning the seal of the court of common pleas, called the mayor's court of the city of New-York," passed April 15, 1818: *Provided*, That a description thereof shall be deposited in the office of the secretary of this state, as directed by the said act.

CHAP. LXXIII.

AN ACT to provide for the payment of a deficit in the fund to be distributed for the support and encouragement of Common Schools.

Passed February 28, 1821.

School fund
deficit pay-
able out of the
treasury.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be lawful for the treasurer, on the warrant of the comptroller, to pay out of any unappropriated money in the treasury, the entire amount contemplated by the act, entitled "An act to change and increase the fund for the support and encouragement of common schools, and for other purposes," passed 13th April, 1819, to be distributed in the current year for the benefit of common schools, notwithstanding that there may be a deficit in the specific funds set apart for that purpose in and by the said act: *Provided*, such deficit shall not exceed seven thousand dollars.

CHAP. LXXIV.

AN ACT relative to the Old and New Loan-Officers in the county of Orange, and for other purposes.

Passed February 28, 1821.

Duties of su-
pervisors of
Orange.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall be the duty of the board of supervisors of the county of Orange, to meet together, as soon as conveniently may be, after the passing of this act, and that it shall be the duty of the old loan-officer residing in the said county of Orange, to attend said meeting, and to deliver

And of the
loan-officers.

up to the said board of supervisors, the books of mortgages, minutes and accounts, relating to the monies in his charge ; and the said supervisors shall immediately thereupon proceed to examine the same, and ascertain the amount due on said mortgages on lands situate in the present county of Orange, and they shall also inspect the account lately audited by the comptroller with the said old loan-officer, and on being satisfied with the correctness of the same, they shall then give to the said old loan-officer duplicate receipts for the books and mortgages so received by them, specifying the amount due on the said mortgages on lands situate in the present county of Orange, one of which receipts the said old loan-officer shall transmit to the comptroller ; and the said board of supervisors of the county of Orange shall thereupon immediately notify the supervisors of the county of Rockland, and the old loan-officer residing in said county, and also the two new loan-officers of the county of Orange, to meet them on a certain day to be mentioned in said notice, at the house of Isaac Slood, innkeeper, in said county of Rockland, and it shall be the duty of the said supervisors, when met, to receive from the said old loan-officer, residing in the county of Rockland, the mortgages for monies due on lands situate in the said county of Rockland, and they shall inspect the account lately audited by the comptroller with the said old loan-officer, and on being satisfied with the same, shall give to the said old loan-officer duplicate receipts for the mortgages received from him, specifying the amount due thereon, in the said county of Rockland, one of which receipts the said old loan-officer shall transmit to the comptroller : *And further*, it shall be the duty of the said supervisors so met, to examine the books and accounts of the said new loan-officers, and their accounts as lately audited by the comptroller, and on being satisfied with the correctness of the same, they shall then proceed to divide the mortgages on the lands situated in the present county of Orange, from those situated in the county of Rockland, both on the old and new loan, and they shall deliver the said mortgages on the old and new loan, for the land situated in the county of Orange, to the new loan-officer residing in said county, and the mortgages on the old and new loan, for the land situated in the county of Rockland, to the new loan-officer residing in the county of Rockland, first taking their receipts therefor, which receipts shall be acknowledged or proved, and be recorded in the clerk's office of the said respective counties, and the said supervisors of each of the said counties, shall require from the said new loan-officer residing in their counties respectively, to give bond to the people of this state, with sufficient security, as shall be approved by at least two thirds of the supervisors present, signified by signing such their approbation on the back of the said bond, which bond shall be in the full sum due on the mortgages of the old and new loan, delivered to them by the said supervisors, with condition for the true and faithful performance of his duty in respect to the said mortgages, so as aforesaid delivered to him, without favour, malice, or partiality.

And of supervisors of Rockland.

And of certain loan-officers.

Mortgages to be divided

Bond to be given.

II. *And be it further enacted*, That the said new loan-officers of the counties of Orange and Rockland, shall hereafter have the like power and authority in respect to the said mortgages and

Power as to the mortgages, &c.

Certain ac-
counts, &c.
to be audited.

other securities, so transferred and delivered to them, in their respective counties, as the said old and new loan-officers of the county of Orange had ; and the new loan-officers shall respectively do and perform all the duties in their respective counties that the old and new loan-offices are now required by law to do and perform, and shall be subject to the like penalties for neglect of duty, or for corrupt conduct in the premises, as the said old and new loan-officers are subject to by law : *And further*, that it shall be the duty of the said new loan-officers to attend the meeting of the board of supervisors of the county in which they reside, at their annual meeting, on the first Tuesday in October yearly, and produce their book of mortgages, book of minutes and accounts, in order to have the same inspected and audited ; and it shall be the duty of the said board of supervisors carefully to examine, inspect, and audit the same.

Directions as
to taking
bond from
new loan-
officers.

III. *And be it further enacted*, That the board of supervisors for the county of Orange, in taking the bond from the new loan-officer, for the faithful performance of his office, shall first ascertain the amount of the old and new loan-office mortgages, received by the new loan-officer of Orange county from the old and new loan-officers of Ulster county, on lands lying in the five towns added from the county of Ulster to the county of Orange, and they shall add the amount of said mortgages in taking said bond.

Salaries of
loan-officers.

IV. *And be it further enacted*, That instead of the salaries heretofore allowed by law to the said old and new loan-officers for the county of Orange, the said new loan-officer of the county of Orange, for the due and faithful performance of his trust in transacting the business of old and new loan-officers, shall be allowed the yearly sum of one hundred and sixty dollars, and the said new loan-officer of the county of Rockland, for the like services, shall be allowed the yearly sum of forty-five dollars, and they shall be credited for the said amounts by the comptroller in the payment of the interest into the treasury yearly.

Certain book
of minutes
where to be
deposited.

V. *And be it further enacted*, That the said boards of supervisors for the counties of Orange and Rockland, shall cause to be filed in the fire proof clerk's office in the county of Orange, the books of the minutes of the mortgages taken by the old and new loan-officers of the county of Orange, for safe keeping, and for the mutual use and benefit of the loan-officers and supervisors of the said counties.

Part of an
act repealed.

VI. *And be it further enacted*, That so much of the act, entitled " An act for dividing the county of Orange," as requires a committee of the supervisors and judges of the counties of Orange and Rockland respectively, annually to meet together at the house of Stephen Sloat, in the Clove, in order to examine the accounts of the loan-officers of Orange county, be and the same is hereby repealed.

Certain losses
how made
good.

VII. *And be it further enacted*, That all losses and deficiencies which may happen on any mortgage of any lands, tenements or hereditaments situated in the said county of Orange, taken by virtue of the act, entitled " An act for emitting the sum of two hundred thousand pounds in bills of credit, for the purposes therein mentioned," and also by virtue of the act, entitled " An act for

loaning monies belonging to this state," shall be borne by the said county of Orange, and the supervisors of the said county shall cause the same to be raised in the same county, and paid over to the new loan-officer of said county, and all losses and deficiencies which may happen on any mortgage of any lands, tenements or hereditaments, situate in the county of Rockland, taken by virtue of said acts, shall be borne and raised by the said county of Rockland, and any losses which may happen by the default of the loan-officer of either of said counties, shall be borne and raised by the county in which the default shall happen.

VIII. *And be it further enacted*, That it shall be lawful for the supervisors of any county in this state, by a vote of at least two thirds of the board, to remove any of the new or old loan-officers of their counties respectively, and to appoint others in their place, any law to the contrary notwithstanding.

Loan officers in any county how removable from office.

IX. *And be it further enacted*, That it shall be lawful for the old loan-officers of the city and county of Albany, to retain and hold their offices in like manner, and with the like powers and effect, as if the act, entitled "An act relative to county loans," passed April 14th, 1820, had never passed.

Provision as to loan-officers in Albany.

X. *And be it further enacted*, That it shall be the duty of the old loan-officers of the city and county of Albany, to demand and receive from the several mortgagors to the old loan, the amount of principal due from them respectively, in four equal annual instalments, the first to be paid on the first day of May, in the year one thousand eight hundred and twenty-two, and the same, when so received, to pay into the treasury of this state : *And further*, that they shall, (instead of reloaning the same,) pay into the treasury any other or voluntary payments of principal that may be made to them.

Further provision as to Albany.

CHAP. LXXV.

AN ACT for the relief of Charles Smyth.

Passed March 2, 1821.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be lawful for the commissioners of the land office, to grant by letters patent to Charles Smyth, his heirs and assigns, five hundred acres of land to be laid off on the southwestern end of Carleton island, in the river St. Lawrence, by a line as nearly at right angles with the general course of the island as may be, in satisfaction of the claim of said Charles Smyth as assignee of a certificate of bounty lands originally issued to William Richardson, and located on said island, in which letters patent shall be inserted a proviso, that if it shall so happen, that upon the settlement of the boundary line between the United States and the province of Canada, the premises hereby granted shall not fall within the jurisdiction of this state, then the grant shall be deemed utterly void, and the said Charles Smyth shall have no claim upon the people of this state, on account of the failure of his title.

Certain lands to be granted to C. Smyth.

CHAP. LXXVI.

AN ACT in addition to and amending the act entitled "*An act to amend the act entitled An act to incorporate the Ulster and Orange Branch Turnpike Company.*"

Passed March 6, 1821.

Preamble.

WHEREAS the lands of many persons were sold at public auction, on the second and third days of April, in the year one thousand eight hundred and nineteen, by virtue of the act hereby amended.

And whereas, the owners of some of those lands have petitioned the legislature to repeal the act aforesaid, or to extend the time for redeeming said lands, and the purchasers of the land so sold, having for the final settlement of all suits and claims in relation to the premises consented to this act. Therefore,

Time for redemption extended.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That the time for the redemption of the lands so sold as aforesaid, be and the same is hereby extended, from the third day of April next until the first day of January, in the year one thousand eight hundred and twenty-three, the purchaser or purchasers of the said lands as aforesaid, his or their heirs or assigns, being entitled to demand and receive, for and during the time so extended, the same rate of interest per annum which is now authorised and allowed to such purchaser or purchasers by the act hereby amended, and that on or after the said first day of January, in the year one thousand eight hundred and twenty-three, the treasurer of the said company shall execute to such purchaser or purchasers of the said lands, his or their heirs or assigns, a conveyance according to the provision of the said act hereby amended, of and for all and every part of said lands so sold, which shall then be and remain unredeemed: *And further,* that the sales aforesaid shall be deemed and construed valid and effectual, within the true intent and meaning of the said act hereby amended: *Provided,* That the said title so conveyed, shall in no manner affect the taxes due and charged on said lands.

Proviso.

Owners may pay the assessments to the state treasurer.

II. *And be it further enacted,* That it shall and may be lawful for any owner or claimant of any part of such lands, divided or undivided, so assessed and sold as aforesaid, to pay to the said treasurer the assessment with the charges and interest thereon authorised by the said act, upon so much of the said lands as shall be owned or claimed by him or her, and on such payment the said treasurer shall execute a receipt therefor, stating the quantity of the land so redeemed, and its situation as near as conveniently may be, which receipt shall be a full and complete bar to any action brought by such purchaser, his heirs or assigns, for the recovery of the lands so redeemed.

CHAP. LXXVII.

AN ACT to amend an act to incorporate the Amsterdam Bridge Company.

Passed March 6, 1821.

I. *BE it enacted by the People of the State of New-York,* Time for building bridge extended and corporation revived. *represented in Senate and Assembly,* That the time allowed in and by the fifth section of the act hereby amended, for building and completing said bridge, be extended to the first day of August, in the year of our Lord one thousand eight hundred and twenty-four, and that said corporation be and is hereby revived, and that the directors and treasurers named in the second section of the said act, shall hold their offices until the first Mouday in July, in the year one thousand eight hundred and twenty-two.

II. *And be it further enacted,* That the number of shares or subscriptions constituting the stock of said company, shall not exceed fifteen hundred shares, and that each share shall be ten dollars. Stock 1500 shares at 10 dollars.

III. *And be it further enacted,* That so much of the second, third and fifth sections of the act hereby amended, as are inconsistent with the provisions of this act and the fourteenth section of the said act, be and they are hereby repealed. Certain sections repealed.

IV. *And be it further enacted,* That the said company shall construct such mound or dyke as may be necessary for their road over the flats on the south side of the Mohawk river, with such sluices or conduits and of such width and materials as the canal commissioners shall direct, for the free passage of the water that may flow over the said flats. Power of canal commissioners.

V. *And be it further enacted,* That it shall be the duty of the said president and directors, to keep an annual account of all their expenditures and incomes with and from the said bridge, and render a faithful account of the same when thereunto required by the comptroller of this state. Accounts to be kept and rendered to comptroller.

VI. *And be it further enacted,* That it shall be lawful for the legislature to alter and amend this act and the act hereby amended, from time to time as they shall deem proper and expedient. Rights reserved by the legislature.

CHAP. LXXVIII.

AN ACT respecting the navigation of Hdson River, between Troy and Waterford.

Passed March 9, 1821.

WHEREAS the commissioners for improving the navigation of Hudson river. between Troy and Waterford, have prayed for the passage of a law, authorising the canal commissioners to complete the lock and dam which are in part finished near the city of Troy, and vesting in the people of this state the title to the real property which has been purchased for the accommodation of said works, and also directing the said commissioners for improving the navigation. Preamble.

gation of Hudson river, to pay over to the canal commissioners all the unexpended monies in their hands : Therefore,

Commission-
ers to pay can-
al commis-
sioners cer-
tain monies in
a certain case

*BE it enacted by the People of the State of New-York, re-
presented in Senate and Assembly,* That in case the canal com-
missioners shall deem it advisable to complete the lock and dam
near the city of Troy, in order to connect the Champlain canal
with sloop navigation, and shall signify in writing their intention
to do the same, the commissioners for improving the navigation of
the Hudson river, on receiving notice thereof, shall pay to the can-
al commissioners all the unexpended monies in their hands, which
said monies shall be applied by the canal commissioners towards
the completion of the said work ; and on the completion of the said
lock and dam, the title to the real property which has been pur-
chased by the said commissioners for improving the navigation of
Hudson river, for the site of the lock and its appendages, shall vest
in the people of this state, and the canal commissioners may estab-
lish and collect reasonable tolls at the said lock.

How applied

Tolls.

CHAP. LXXIX.

*AN ACT to amend an act entitled "An act to incorporate the
Waterford and Whitehall Turnpike Company."*

Passed March 9, 1821.

Certain toll
may be receiv-
ed.

Time for the
completing
road extend-
ed.

*BE it enacted by the People of the State of New-York, re-
presented in Senate and Assembly,* That it shall and may be law-
ful for the president and directors of the Waterford and Whitehall
turnpike company, from and after the passage of this act, to exact
and receive toll at toll-gate number two on said road, as an half
toll-gate, until the first day of November next, and that the time
for the completion of said road shall be extended to the first day of
April, in the year of our Lord one thousand eight hundred and
thirty-five, any thing in the act hereby amended to the contrary
notwithstanding.

CHAP. LXXX.

*AN ACT to authorise Levi Ives to erect a Dam across the out-
let of a small Lake in the town of Summit, in the county of
Schoharie.*

Passed March 9, 1821.

L. Ives' right
to erect a dam

*I. BE it enacted by the People of the State of New-York,
represented in Senate and Assembly,* That it shall be lawful for
Levi Ives, his heirs or assigns, to build and maintain a dam across
the outlet of a small lake in the town of Summit, in the county of
Schoharie, on lands owned by Levi Ives and now in his possession :
Provided nevertheless, and this grant is on the express condition,
that the said Ives shall pay to the persons owning lands on the bor-
ders of said lake, the amount of such appraisal as shall be made in
pursuance of the second section of this act.

11. *And be it further enacted*, That David Wilsie, Watson Orr and Samuel Baldwin, be and are hereby appointed commissioners to appraise the damages that owners of land bordering on said lake may sustain in consequence of the dam erected as aforesaid: *Provided also*, That the legislature shall at any time hereafter have the right to amend or repeal this act. Damages to be appraised.
Proviso.

CHAP. LXXXI.

AN ACT to incorporate the Blenheim Bridge Company.

Passed March 9, 1821.

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That all such persons who shall become subscribers to the stock hereafter described, in the manner hereinafter mentioned, shall be and they are hereby constituted and declared a body corporate and politic, by the name of the Blenheim Bridge Company, for the term of twenty-five years from and after the passing of this act, and by that name they and their successors shall and may hereafter have succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and that they and their successors may have a common seal and may change and alter the same at their pleasure; and also that they and their successors, by the same name and style, shall be in law capable of purchasing, holding and conveying any estate, real and personal, for the use of the said corporation: *Provided*, the said real estate so to be holden, shall be such only as shall be necessary to promote or attain the object of this incorporation. Corporation created.
General powers.
Proviso.

11. *And be it further enacted*, That the limits of the said company shall extend from the eastern extremity of the Charlotte river turnpike, to one half mile from the eastern extremity of the bridge to be erected across the Schoharie creek, as hereinafter described, measured in the direction of and covering so much of the said mountain turnpike. Limits defined.

III. *And be it further enacted*, That Freegift Patchin, Stephen Judd and Asa Starkweather, be and they are hereby appointed commissioners, to open a subscription in a book or books to be by them provided for the purpose, and to receive subscriptions for the stock of the said company, in shares not exceeding one hundred and sixty; that such subscription shall be opened in the town of Blenheim, at such time and place as the said commissioners shall appoint by notices to be put up in two or more public places in the towns of Blenheim, Broome and Jefferson respectively, at least ten days before the time so appointed; that the shares of the said stock shall respectively be twenty-five dollars, and every stockholder be entitled to one vote at all elections, for each share held by him or her to the number of twenty, and one vote for every five additional shares; that if the requisite number of shares shall not be subscribed for, at the time and place appointed Subscriptions
Stock
Votes.

Money paid
on subscrib-
ing.

Mountain
turnpike enti-
tled to certain
stock.

Election.

Directors.

Bridge to be
constructed.

And kept in
repair.

for such subscription, the said commissioners or the majority of them, shall take such measures for obtaining such subscriptions as they may deem expedient and proper, every subscriber shall at the time of subscribing pay to either of the said commissioners the sum of one dollar for each share so subscribed; that the president and directors of the mountain turnpike company may be admitted stockholders in the said stock in addition to the aforesaid number of shares, for seventy-one shares as an equivalent for their relinquishment of the said turnpike in the limits aforesaid, their toll-house and the remains and site of the bridge heretofore erected by them in the route of the said turnpike; and that when the bridge hereinafter mentioned shall have been completed, the said president and directors of the mountain turnpike company, shall be considered as having paid on their said shares the same amount which the other stockholders shall actually have paid, and that thereafter they shall have the same rights and privileges, and be subject to the same duties, payments and regulations, with the other stockholders.

IV. *And be it further enacted*, That as soon as seventy-five shares shall have been subscribed, the said commissioners or a majority of them, shall send notice thereof in manner aforesaid, and appoint a time and place in such notices for such subscribers to meet for the purpose of choosing five directors of said company, at which election, the said commissioners, or such one or more of them as may attend, shall be the inspectors, and his or their certificate of the names of the persons elected directors, shall be conclusive evidence of such election, and that the first Monday in the month in which such election shall be held, shall be the anniversary day for all subsequent elections of directors, and a majority of the said directors shall be a quorum, and be capable of transacting the business of the said corporation, and every act of a majority of said directors so met, shall be binding on said corporation; and the said directors, elected by the plurality of the votes of the stockholders present, shall immediately proceed to the choice of one of their number for a president, and the said president and directors may meet from time to time, at such time and place as they may find expedient and direct, and shall have power to make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of this state or of the United States, as shall be necessary for the well ordering the affairs of said corporation.

V. *And be it further enacted*, That the said company hereby incorporated, shall with all convenient speed, construct a good and substantial bridge across the said Schoharie creek, on or near the site of the bridge heretofore erected by the mountain turnpike company across said creek, which bridge shall be of the breadth of twenty-five feet, and that the said company shall put the said turnpike in good and sufficient repair, of the breadth of twenty-four feet, and that whenever the said turnpike shall be contracted to a less breadth by the impracticability of making it wider without a great and unreasonable expense, a good substantial railing or well laid stone wall shall be made on the lower side thereof.

VI. *And be it further enacted*, That the said bridge and turnpike shall during the term aforesaid, be kept in good and sufficient repair by the said company.

VII. *And be it further enacted*, That as soon as the said bridge shall be completed, and the judges of the court of common pleas of the county of Schoharie, or any three of them not interested therein, shall upon inspection certify under their hands, that the said bridge is well and sufficiently completed, and built conformable to this act, and will admit the passage of teams of burthen, it shall and may be lawful for the said president and directors to erect a gate at the end of said bridge, and demand and take for the use of said corporation a toll not exceeding the following rates, to wit: ^{Gate, when to erected.} for every four wheel pleasure carriage hung on springs, drawn by two horses, twenty-five cents, and every additional horse three cents; ^{Toll.} every two wheel pleasure carriage hung on springs, drawn by one horse, twelve and a half cents, every additional horse three cents; every waggon and two horses, twelve and a half cents, and for every additional horse three cents; every one horse waggon, nine cents; every sleigh or sled drawn by two horses, six cents; every one horse sleigh, four cents; every ox cart drawn by two oxen, twelve and a half cents, every additional yoke of oxen, six cents; every one horse cart, six cents; every ox sled drawn by two oxen, six cents, every additional yoke of oxen three cents; every man and horse, three cents; every led horse, two cents; every horse, jack or mule, two cents; every cow or other neat cattle, one cent; every hog, sheep or calf, one half cent; for every foot passenger, one cent; and it shall be lawful for the toll-gatherer to stop every person with their teams, horses, cattle, sheep, hogs, and any thing which is liable to toll, until they shall have respectively paid the toll herein allowed to be collected by this act: *Provided* ^{Provide.} *nevertheless*, That all persons going to or returning from public worship, going to or from any grist-mill for the purpose of getting grain ground for their own families' use, going to or from a burial, going to or from their ordinary business on their farms, fetching a physician, and all persons going to or from any trainings, who are liable to do and perform military duty, which passes or re-passes, with their own horse or carriage, and all persons drawing fire wood for their own families' use, shall be exempt from toll; and it shall not be lawful to draw any load over said bridge except on wheels or runners.

VIII. *And be it further enacted*, That if any person or persons shall wilfully or maliciously do or cause to be done, any act whatsoever whereby the said bridge or any thing appertaining to the same, shall be impaired, weakened or injured, the said person or persons so offending, shall forfeit and pay to the said company treble the amount of damages sustained by means of such offence or injury, to be recovered by said corporation, with costs of suit, in an action of trespass, in the name of the treasurer of said company, to their use, in any court having cognizance of the same, which action shall in every instance be considered as transitory in its nature. ^{Penalty for injuring bridge, &c}

IX. *And be it further enacted*, That it shall not be lawful for any person or persons, to erect any bridge, establish any ferry or ferries across the said creek, at any place within two miles up or down said creek, from the place where the bridge aforesaid shall be erected and built by the said company, neither shall it be lawful for any person or persons to cross the said creek after the said ^{Ferries prohibited.}

bridge is completed within the distance aforesaid, in any manner or way whatsoever, without paying to the said corporation, for their use, the toll established by law; but it shall be lawful and shall be the duty of said company to commute on reasonable terms for the use of said bridge, with all persons living within the distance aforesaid, if said persons shall wish to commute, and it shall be lawful for those who shall commute, to cross said creek in any manner they choose within the distance aforesaid from said bridge.

Communi-
cation.

Penalty in
certain cases.

X. *And be it further enacted*, That if any person or persons shall forcibly pass said gate to be erected at said bridge, or pass the stream within the distance heretofore specified, or shall cause his, her or their horse, carriage, waggon, sleigh, sled, cattle, or any thing appertaining to them which is liable to toll by virtue of this act, to pass the same without having paid the said toll for passing said bridge, such person or persons shall forfeit and pay a sum not exceeding ten dollars nor less than one dollar, to be recovered by the treasurer of said corporation, or in his name, to their use, in any action of trespass, which action shall in every case be considered as transitory in its nature.

Toll list.

XI. *And be it further enacted*, That it shall be the duty of the said corporation, to cause to be affixed in a conspicuous place over the said gate, a printed list of the rates of toll, and in default thereof to be subject to the penalty of five dollars for every forty-eight hours, to be sued for and recovered by any person who shall prosecute for the same in his own name.

Penalty on
toll gatherer
in certain ca-
ses.

XII. *And be it further enacted*, That if any toll-gatherer shall unreasonably delay or hinder any traveller from passing said gate, or shall demand or receive more toll than is by this act established, he shall for every such offence forfeit and pay a sum not exceeding ten dollars, to be sued for and recovered before any justice of the peace of the county wherein such offence shall have been committed, for the use of the person or persons so unlawfully delayed, hindered or defrauded.

Corporation
when dissolv-
ed.

XIII. *And be it further enacted*, That if the aforesaid bridge shall not be erected, built and completed, within three years after the passage of this act, then in that case the corporation created by this act shall be adjudged and considered as dissolved.

Penalties
payable by
corporation in
certain cases.

XIV. *And be it further enacted*, That in all cases where the toll-gatherer shall be convicted of any of the said offences, and that it shall appear by the return of the execution on such conviction that the money or any part thereof cannot be obtained from the defendant, the said president and directors shall be liable for the payment of the same, and until the said president and directors shall make such payment, they shall not be allowed to demand or receive any toll for passing said bridge, but shall keep the gate open.

Immoderate
driving over
bridge.

XV. *And be it further enacted*, That it shall not be lawful for any person or persons to ride or drive over said bridge faster than on a walk, with his, her or their horses or teams, nor shall it be lawful for any driver to drive more than twenty head of cattle on said bridge at a time, on penalty of forfeiting for every such offence not less than one dollar, to be recovered in the name of the treasurer, for the use of said corporation.

Penalty.

Public act.

XVI. *And be it further enacted*, That this act be and is hereby declared to be a public act, and that the same shall be con-

strued in all courts and places benignly and favorably, for every beneficial purpose herein mentioned.

CHAP. LXXXII.

AN ACT for the relief of the President and Directors of the Schoharie and Duaneburgh Turnpike Road.

Passed March 9, 1821.

WHEREAS it has been represented to this legislature that said Preamble. company have completed fourteen miles of said road, and have never had more than one gate on the whole of said route, the toll of which is insufficient to keep the whole route in repair : Therefore,

BE it enacted by the People of the State of New-York, re- Part of road dismembered from turnpike
presented in Senate and Assembly, That all of the route of the Schoharie and Duaneburgh turnpike road, except ten miles of the easterly part thereof, be dismembered from said road, so that the president, directors and company of said road be discharged from the same, and all care, management and responsibility relating thereto, and that the same may be established as a public highway.

CHAP. LXXXIII.

AN ACT to incorporate the Hudson Lyceum of Natural History.

Passed March 9, 1821.

WHEREAS the members of the Hudson Lyceum of Natural Preamble. History have associated themselves together for the purpose of encouraging the study, and of disseminating a knowledge, of natural history, and the other sciences: *And whereas* the legislature, deeming science closely and intimately connected with the common concerns of life, and highly conducive to the promotion of agriculture and the arts, consider it their duty to encourage so laudable an object : Therefore,

I. BE it enacted by the People of the State of New-York, Corporation created.
represented in Senate and Assembly, That Elisha Jenkins, Alphens Adams, Jonathan Frary, James Barton, Robert G. Frary, Robert Alsop, Austin Abbott, Seth Jenkins, Orvill Holley, John P. Jenkins, and such other persons as now are, and may, from time to time, become members, shall be and hereby are constituted a body corporate and politic, by the name of the "Hudson Lyceum of Natural History," and by that name they shall have perpetual succession, and shall be persons capable of suing and being Style and general powers. sued, pleading, and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever ; and may have a common seal, with power to change and alter the same from time to time, and shall be capable of purchasing, holding and enjoying, to them and their successors, any real estate, in fee simple or otherwise, and any goods, chattels, and

Proviso.

personal estate, and of selling, leasing, or otherwise disposing of the said real and personal estate, or any part thereof, at their will and pleasure ; *Provided however*, That the funds of the said corporation shall be used and appropriated to the objects contemplated in the preamble of this act : *And provided also*, That the clear annual income of such real and personal estate shall not exceed the sum of five thousand dollars.

Special powers as to by-laws.

II. *And be it further enacted*, That the said society shall from time to time, for ever hereafter, have power to make, constitute, ordain and establish such by-laws and regulations as they shall judge proper, for the election of their officers, for prescribing their respective functions, and the mode of discharging the same, for the admission of new members, for the government of the officers and members thereof, for collecting the fines, impositions, and annual contributions from the members, for regulating the times and places of meeting of the said society, for suspending or expelling, such members as shall neglect or refuse to comply with the by-laws or regulations, and for the management and directing the affairs and concerns of the said society : *Provided*, such by-laws and regulations be not repugnant to the constitution and laws of this state, or of the United States.

Officers of corporation.

III. *And be it further enacted*, That the officers of the said society shall consist of a president, two vice-presidents, recording secretary, a corresponding secretary, treasurer, not less than two, nor more than five curators, and such other officers as the said society may judge necessary, who shall be annually chosen, and who shall continue in office for one year, or until others shall be elected in their stead ; that if the annual election shall not be held on any of the days for that purpose appointed, it shall be lawful to make such election on any other day, and that five members of the said society assembling at the place and time designated for that purpose by the constitution, by-laws or regulations of the said society, shall constitute a legal meeting thereof, and that in case a vacancy shall take place between the annual meetings, then it shall be lawful to fill such vacancy at any regular meeting, and the person or persons so chosen shall continue in office until the next annual meeting, or until others shall be elected in their stead.

Elections.

First officers.

IV. *And be it further enacted*, That Elisha Jenkins shall be the president ; Alpheus Adams and Jonathan Frary, the vice-presidents ; Robert G. Frary, recording secretary ; Austin Abbott, corresponding secretary ; James Barton, treasurer, and Robert Alsop and John P. Jenkins, curators, severally to be the first officers of said corporation, who shall hold their respective offices until the first Monday of January next, and until others shall be chosen in their places.

Constitution of corporation.

V. *And be it further enacted*, That the present constitution of the said society shall, after the passing of this act, continue to be the constitution thereof, and that no alteration shall be made thereof, unless by a vote to that effect, of two thirds of the resident members, and upon the request in writing of one third of such resident members, and submitted at least one month before any vote shall be taken thereupon.

Rights reserved.

VI. *And be it further enacted*, That the legislature may at any time modify or repeal this act.

CHAP. LXXXIV.

AN ACT to divide the Twenty-First Congressional District, for the Election of Representatives in the Congress of the United States.

Passed March 9, 1821.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That the twenty-first congressional district, for the election of representatives in the house of representatives of the congress of the United States, shall be and hereby is divided in the following manner, to wit: The counties of Ontario and Monroe shall compose the twenty-first congressional district, and shall elect one representative; and the counties of Genesee, Livingston, Niagara, Chautauque, Cattaraugus, and Allegany, shall compose the twenty-second congressional district, and shall elect one representative.

21st and 22d districts formed.

II. *And be it further enacted,* That so much of the act, entitled "An act to divide the state into districts for the election of representatives in the congress of the United States," passed June 10, 1812, as is inconsistent with the provisions of this act, be and the same is hereby repealed.

Part of an act repealed.

CHAP. LXXXV.

AN ACT to prevent the Destruction of Fish, in a Pond commonly called the Great Pond, in the town of Pawlings, in the county of Dutchess.

Passed March 9, 1821.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That it shall not be lawful for any person at any time, or in any manner, after the passing of this act, and before the first day of May, which will be in the year one thousand eight hundred and twenty-three, to take or catch any fish in the pond commonly called the great pond, and situated near the house of Barnabas Allen, in the town of Pawlings, in the county of Dutchess.

Fish how to be caught.

II. *And be it further enacted,* That if any person shall fish in said pond contrary to the provisions of this act, he shall for each offence forfeit the sum of ten dollars, to be sued for and recovered by any person who will prosecute for the same, with costs of suit, in any court having cognizance thereof, the one half of which forfeiture, when recovered, shall be for the use of the person who shall prosecute for the same, and the other half shall be paid to the overseers of the poor of the said town of Pawlings, for the support of the poor thereof.

Penalty.

CHAP. LXXXVI.

AN ACT to amend an act, entitled "*An act for the relief of the Schoharie Kill Bridge Company,*" passed March 14, 1817.

Passed March 9, 1821.

Preamble. WHEREAS by the second section of the above entitled act, the inhabitants of the town of Windham, in the county of Greene, have a right to pass the middle gate on said road, toll free : *And whereas* difficulties have arisen between the toll gatherer and the persons claiming an exemption from toll, as to their rights to pass said gate toll free :

Exemption from toll, how proved. I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That whenever any person shall claim an exemption from paying toll at the said gate, he shall, if required by the keeper of the gate, (from and after the first day of July next,) produce a certificate of the supervisor, town clerk, or one of the justices of the peace residing in said town of Windham, that he is an inhabitant of the town, which shall be sufficient evidence that he is entitled to the exemption.

Certain frauds how punishable. II. *And be it further enacted,* That if any person or persons, residing in said town of Windham, shall drive any team, horses, cattle, sheep, or hogs, the property of any person not residing in the town of Windham, for the purpose of defrauding said company, such person or persons shall forfeit and pay the sum of five dollars for every such offence, to be recovered with costs of suit, by the treasurer of said company, before any court having cognizance thereof, in a plea of debt, for the use of said company.

Route of road may be altered. III. *And be it further enacted,* That it shall and may be lawful for the president, directors and company, to alter their said road at the Clayhill, west of the Schoharie kill, and the hill west of John Hardenburgh, in the town of Roxbury, in the county of Delaware, and also to alter the road near Frederick Martin's, in the town of Windham : *Provided,* That the president, directors and company of the Schoharie kill bridge company, pay to the several owners or occupants of the land, they may occupy for the use of such alterations, to be valued, and the damages ascertained by the appraisers, heretofore appointed, by an act incorporating said company.

Saw logs, &c. not to be drawn over bridge so as to injure it. IV. *And be it further enacted,* That it shall not be lawful for any person to draw or drag over the bridge across the Schoharie kill, belonging to the said company, any saw logs or other timber that will injure the said bridge, under the penalty of one dollar for every such offence, to be recovered by the treasurer of said company, with costs of suit, before any court having cognizance thereof, for the use of said company : *Provided,* That nothing in the foregoing section shall be so construed as to prevent any person from drawing saw logs or other timber across said bridge on sleighs or other carriages used for that purpose.

Annual meeting. V. *And be it further enacted,* That it shall and may be lawful for the president, directors and company of the Schoharie kill bridge company, to hold their annual meeting on the third Tues-

day of April in every year hereafter, in place of the last Tuesday in June, any thing in the former act to the contrary notwithstanding : *Provided however*, That in case any future election for directors shall not be held at the time aforesaid, the said company shall not for that reason be deemed to be dissolved, but an election may be held at any future day, according to the rules and by-laws of said company. *Provided.*

CHAP. LXXXVII.

AN ACT to alter the name of the town of New-Berlin, in the county of Chenango.

Passed March 9, 1821.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the passing of this act, the town of New-Berlin, in the county of Chenango, shall be called and known by the name of Lancaster. *New Berlin altered to Lancaster.*

CHAP LXXXVIII.

AN ACT in addition to the several acts relative to District Attornies.

Passed March 9, 1821.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That every district attorney, who shall hereafter present any account for fees or services as district attorney, to any officer to be taxed, shall accompany the same with an affidavit, stating that all the services therein charged have been actually performed, and that the several folios charged in said account, for the drawing and engrossing of any indictment, plea, record, or other proceeding, are correct, and that all the subpoenas and bench warrants charged in said account have been actually and necessarily issued, according to the best of the knowledge and belief of the said district attorney, which said affidavit may be taken by any officer authorised to take affidavits to be read in the supreme court, and all malicious and wilful false swearing, under this act, shall be deemed wilful and corrupt perjury. *Affidavit required of certain services.*

CHAP. LXXXIX.

AN ACT to provide for the rebuilding of the Court-House and Gaol, lately consumed by fire, in the county of Jefferson.

Passed March 13, 1821.

1. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the supervisors of the *8000d. to be raised by tax.*

county of Jefferson shall cause to be raised, levied and collected, on and from the taxable property in said county, in the same manner as other county charges are levied and collected, not exceeding the sum of eight thousand dollars, for the purpose of building a court-house and a gaol separately, in the village of Watertown, on or near the court-house lot in the said village of Watertown, in said county, to be raised, levied and collected in four annual instalments of two thousand dollars in each successive year, beginning with the present year.

Commissioners to build court house and gaol.

II. *And be it further enacted*, That Henry H. Coffin and Jabez Foster, of Watertown, and Eliphalet Edmonds, of Adams, be and they are hereby appointed commissioners to superintend and contract for the building of said court-house and gaol, with full power and authority to draw upon the treasurer of said county from time to time, as may be required for progressing in the said buildings with all possible dispatch, and the said treasurer is required to pay over to them, or a majority of them, any monies in his hands, not expressly appropriated to any other county or town purposes, and that in case of the death, resignation or refusal to serve of either of the said commissioners, the board of supervisors of said county shall supply the vacancy.

Court where held.

III. *And be it further enacted*, That the next court of common pleas and general sessions of the peace, and the next circuit court and court of oyer and terminer, in and for said county, shall be held at the brick building, called the academy, in the said village of Watertown, and it shall be lawful for the said court of common pleas, at their next term, to designate that, or any other place in said village of Watertown, for the holding of the next term of the said court, and of the court of general sessions of the peace for said county, and to adjourn the said court accordingly, and so from term to term, till a court-house shall be erected, sufficient, in their judgment, for the accommodation of the county.

Process confirmed.

IV. *And be it further enacted*, That all process and proceedings, both civil and criminal, now or hereafter tested, or made returnable at the court-house in said county, shall be adjudged as valid as if a court-house existed in said county at the time of the test or return thereof, and that all persons summoned or otherwise required to appear at any such court, shall be bound to appear at the place where the said courts shall respectively be held; and that all records and legal proceedings shall be the same as if a court-house existed in the said county.

Prisoners where to be confined.

V. *And be it further enacted*, That it shall be lawful for all courts and officers of and for the county of Jefferson, in all cases, civil and criminal, to confine their prisoners in the gaol of the county of Lewis, in conformity to the provisions of the act, entitled "An act concerning gaols and places for holding courts," passed April 3, 1807: *Provided*, That nothing in this section contained shall be so construed as to annul or in any wise affect the liberties of the gaol of said county of Jefferson, as now or hereafter established by order of the court of common pleas thereof, or to impair the right of any debtor taken in execution, to the limits of said liberties.

Commissioners to be appointed.

VI. *And be it further enacted*, That the said commissioners or their successors, or the survivor or survivors of them, shall at all

times, when required by the supervisors of said county, account with them for the faithful expenditure of all the monies received by them or either of them, in virtue of this act.

VII. *And be it further enacted*, That the comptroller shall draw his warrant on the treasurer, in favour of the treasurer of the county of Jefferson, from time to time, for such sums as the said commissioners, or a majority of them, may certify to be necessary for the fulfilment of any contracts they may make in the premises, not exceeding six thousand dollars in the whole, and charge the same to the treasurer of said county, at an interest of six per cent. per annum, and the treasurer of said county is required to reimburse the same, together with the interest thereon as aforesaid, to the treasurer of this state, out of the monies provided to be raised by the first section of this act, whenever the same shall come into his hands; and in case there shall at any time be any deficiency in the means of reimbursement as aforesaid, it shall be the duty of the supervisors of said county, on the requirement of the comptroller, to cause to be raised; levied and collected, in manner aforesaid, a sum sufficient to supply such deficiency.

Comptroller's duty in loaning certain money.

VIII. *And be it further enacted*, That before the said commissioners shall enter upon the duties enjoined upon them by this act, each of them shall enter into a bond, with the security to be approved of by the treasurer of said county, in the penal sum of eight thousand dollars, to the supervisors of said county, for the due and faithful performance of the trust reposed in them, and the said commissioners shall receive for their services one dollar and fifty cents per day, for each day they may be actually employed in the duties of their office, and their accounts shall be audited by the board of supervisors and paid as other contingent expenses and charges of said county.

Commissioners to give bonds, &c.

Their compensation.

CHAP. XC.

AN ACT recommending a Convention of the People of this State.

Passed March 13, 1821.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the inspectors at each poll, in the several towns and wards of this state, at the annual election, to be held on the last Tuesday in April next, shall provide a proper box, to receive the ballots of the citizens of this state, in relation to the convention herein after provided for. On which ballots shall be written or printed, by those voters who are in favour of the proposed convention, the word *Convention*, and by those voters who are opposed thereto, the words *No Convention*, and that all free male citizens of this state, of the age of twenty-one years or upwards, who shall possess a freehold within this state; or who shall have been actually rated, and paid taxes to this state; or who shall have been actually enrolled in the militia of this state, or in a legal volunteer or uniform corps, and shall have served therein, either as an officer or private; or who shall

Duty of inspectors.

Persons entitled to vote.

have been, or now are by law exempt from taxation, or militia duty ; or who shall have been assessed to work on the public roads and highways, and shall have worked thereon, or shall have paid a commutation therefor, according to law ; shall be allowed, during the three days of such election, to vote by ballot as aforesaid, in the town or ward in which they shall actually reside.

Challenges. II. *And be it further enacted*, That it shall be lawful, for either of the inspectors of such election, of his own accord, and it shall be the duty of such inspectors when thereto required by any citizen entitled to vote as aforesaid, to administer to any person offering to ballot as aforesaid. the following oath or affirmation.

Oath. " I ———, do solemnly swear or affirm, (as the case may be,) that I am a natural born, or naturalized citizen of the state of New-York, or of one of the United States, (as the case may be,) of the age of twenty-one years, or upwards ; that I am the owner of a freehold within this state ; or that I have been actually rated and paid taxes to this state ; or that I actually have been enrolled, and have served in the militia of this state, or in a legal volunteer or uniform corps, either as an officer or private ; or that I have been or now am by law exempt from taxation or militia duty ; or that I have been actually assessed to work on public roads and highways, and have worked thereon, or have paid a commutation therefor, according to law ; and that I now am an actual resident and inhabitant of the town or ward in which I offer my ballot ; and that I have not before voted and will not again vote at this election." And it is hereby declared, that if any person, so being required to take the said oath or affirmation, shall refuse to take the same, he shall not be allowed to vote at such election, until he shall take such oath or affirmation.

Election how conducted.

III. *And be it further enacted*, That the said election shall, in all respects, be conducted, and the poll lists shall be kept, in the manner prescribed by law, for the election of senators ; that the said votes shall be canvassed by the inspectors of the several polls of the said election, and the returns thereof made by such inspectors, to the clerks of the respective towns and counties, at the same time, and in the same manner, as the canvass and return of votes for senators are by law directed to be made ; that the certificates of the returns of the said votes, shall be recorded by the clerks of the several towns and counties, and transcripts thereof shall be certified, and be transmitted to the secretary of this state, at the same time and in the same manner, as certificates of the votes for senators, are now by law required to be recorded, transcribed, and transmitted to the secretary of this state ; that the said transcripts received by the secretary of this state as aforesaid, shall remain in his office of record, and the votes so given, shall be canvassed at the same time, by the same persons, and in the same manner, and the result thereof shall be published as is prescribed by law, in relation to the election of senators.

Duty of canvassers.

IV. *And be it further enacted*, That if it shall appear by the said canvass, to be made as aforesaid, that a majority of the ballots or votes, given in, and returned as aforesaid, are for *No Convention*, then and in such case, the canvassers are hereby required to certify and declare that there shall be no further proceedings under this act, in relation to the calling of a convention. But that if it shall

appear, by the said canvass, that a majority of the ballots or votes, are for a *Convention*, that then and in such case, the canvassers shall certify and declare, that a convention will be called accordingly, and that a copy of the said certificate shall be transmitted by the secretary of this state, to the sheriffs of the respective cities and counties of this state, and shall be by them published, and copies delivered to the supervisors of the several towns, within their respective counties, in the same manner as notices for the election of senators are now by law required to be published and delivered.

And of the secretary.

V. *And be it further enacted*, That in case the said canvassers shall certify and declare a majority of such ballots or votes to be for a *Convention*, it shall and may be lawful, and it is hereby recommended to the citizens of this state, on the third Tuesday of June next, to elect by ballot, delegates to meet in convention, for the purpose of considering the constitution of this state, and making such alterations in the same as they may deem proper; and to provide the manner of making future amendments thereto.

Delegates when and how chosen.

VI. *And be it further enacted*, That the number of delegates to be chosen, shall be the same as the number of members of assembly, from the respective cities and counties of this state; and that the same qualifications for voters shall be required on the election for delegates, as is prescribed in the first section of this act, and none other; and that the oath prescribed in the second section of this act, shall be likewise taken by all the voters under this section, if required; and that all persons entitled to vote by this law for delegates, shall be eligible to be elected; and that the election for such delegates shall be held at such places as the inspectors herein after mentioned, shall for that purpose notify, and shall take place on the said third Tuesday of June next, and shall continue and be held on that day, and on the two succeeding days; and that the officers in the several towns or wards in this state, authorised to act as inspectors of elections for members of assembly, and the persons who shall be appointed in the several cities of this state for that purpose, shall be the inspectors of the said election for delegates; and that the inspectors of each poll shall provide a box to receive the ballots for delegates, and shall appoint two clerks, each of whom shall keep a poll list of the electors for delegates; and that during the said election the said boxes and poll lists shall be disposed of, and kept in the manner prescribed in the "act for regulating elections;" and that the election shall be conducted by the inspectors thereof, with the like powers, and in all respects not herein otherwise provided for, as near as may be, in the manner prescribed by law, in cases of elections for members of assembly, except that none of the oaths therein mentioned, shall be administered to any elector, and that at the final close of the poll, the ballots for delegates shall be canvassed, and disposed of, and the names of the persons voted for as delegates, and the number of votes given for each person respectively, shall be certified, and the certificates thereof filed and returned, in the manner and at the times now directed by law, respecting votes for members of assembly; and that the clerks of the respective towns and counties of this state, shall enter of record the said certificates, in books to be provided by them for that

Number of delegates.

Who are eligible.

When and how to be chosen.

Duty of county clerks.

purpose ; and that the clerks of the respective counties shall thereupon, and within ten days after such certificates shall be returned as aforesaid, calculate and ascertain the whole number of votes given for the respective candidates, voted for as delegates for such county ; and shall determine, conformably to the said certificates of the said inspectors, upon the person or persons duly elected by the greatest number of votes as delegates for such county ; which determination shall be entered of record, in the office of such clerk, and such clerk shall cause a certificate of such election to be given to each person so found to be elected as a delegate, within fifteen days after such determination ; and shall also transmit a copy of such determination to the office of the secretary of this state, there to be filed and remain of record ; and that the inspectors of the said election, or the major part of them, shall give the like notice of the time and place where such election for delegates is to be held, as is directed by law to be given of the time and place of choosing members of assembly ; and that the inspectors and clerks of the said election, shall severally take the oath directed to be taken by the inspectors and clerks of elections, in and by the act, entitled " An act for regulating elections," which oath either of the said inspectors is hereby authorised to administer ; and that it shall be the duty of the proper authority of the several cities in this state, to appoint inspectors of election under this act, in the same manner as they are required by law for annual elections, at least twelve days before the time appointed for holding the election authorised by this act.

Penalties for neglect and false returns, &c.

VII. *And be it further enacted*, That if any inspector of the said elections, or either of them, shall wilfully omit or neglect to make returns of the said election, within the times prescribed as aforesaid, or shall wilfully make any false return, or shall wilfully make or cause to be made, any error in such returns or either of them, and if any clerk of any county shall wilfully certify falsely, the result of either of the said elections, or shall wilfully make or cause to be made, any error in any transcript to be made by him as aforesaid, or shall wilfully neglect or omit to transmit the said transcripts, within the times aforesaid, such inspector or clerk, so offending, shall be liable to indictment and conviction for a misdemeanor, in any court of competent jurisdiction ; and upon such conviction, shall be subject to a fine not exceeding one thousand dollars, or to imprisonment in the county prison, not exceeding one year ; and shall be disabled to hold any office of honor, trust or profit, under the authority of this state : And the said inspectors and clerks of elections, clerks of counties and canvassers, shall be liable, for any other mal and corrupt conduct in relation to the said elections, or either of them, to the penalties prescribed in similar cases, in and by the " act for regulating elections," and the said officers shall be paid for their services at the said elections, or either of them, performed under this act, to the same amount, and in like manner, as they are now directed to be paid by law, for similar services at elections for senators or members of assembly.

Convention when to meet & compensation, &c.

VIII. *And be it further enacted*, That the delegates so to be chosen, shall meet in convention at the capitol, in the city of Albany, on the last Tuesday of August next, from whence they may, if they think proper, adjourn to any other place ; and they, and

their attendants and officers, shall be allowed the like compensation for their travel and attendance, as the members of the legislature are allowed by law; the amount of which shall be certified by the president of the convention, and shall be paid by the treasurer of this state, on the warrant of the comptroller; and it shall be the duty of the clerks of the senate and assembly, to attend the said convention, on the opening thereof, and they, and the secretary of this state, shall furnish the said convention with such papers in their possession, as the said convention may deem necessary; and the secretaries of the convention shall and may provide stationary for the use thereof, the amount of which shall be paid on the certificate of the president thereof, in like manner as the contingent expenses of the assembly are now paid by law.

Duty of the secretary of state.

IX. *And be it further enacted*, That the proceedings of the said convention, shall be filed in the office of the secretary of this state, and the determination and propositions of the said convention shall be entered of record in the same office. And that it shall be the duty of the said convention, to submit their proposed amendments to the decision of the citizens of this state, entitled to vote under this act, together, or in distinct propositions, as to them shall seem expedient. And that the said convention shall prescribe the time and manner of holding an election for such purpose, and the mode of canvassing, and determining the result, and all the regulations necessary thereto. And that all sheriffs, officers, inspectors and persons in authority within this state, shall in respect to the said election to be prescribed by the said convention, and all regulations necessary thereto, exercise every power and authority, as in relation to annual elections; and shall be paid in like manner, and shall receive a like compensation therefor; and shall obey and conform to the prescriptions of the convention, in that behalf, under the penalty upon each and every person wilfully neglecting or refusing, of one thousand dollars for each offence, and imprisonment not exceeding one year; and for any mal or corrupt conduct in the premises, each and every such person shall be disabled to hold any office of honor, trust or profit, under the authority of this state. And the propositions of such convention, which shall be approved by a majority of the votes at such election, shall be deemed and taken to be a part of the constitution of this state; and that the propositions which shall not be so approved, shall be considered void and of none effect.

Proceedings when to be filed, and amendments how to be submitted, &c.

Duty of sheriffs, &c.

Penalty.

When amendments declared a part of constitution.

X. *And be it further enacted*, That all wilful and corrupt false swearing, in taking any of the oaths prescribed by this act, or at or in relation to the election to be directed by said convention, shall be deemed perjury, and shall be punished in the manner now prescribed by law, for wilful and corrupt perjury.

False swearing declared perjury.

XI. *And be it further enacted*, That it shall be the duty of the secretary of this state, forthwith to cause this act to be published in all the public newspapers printed in this state, and to cause the same to be printed and distributed to the clerks of the respective counties, by transmitting to such clerks with all convenient speed, as many copies as shall be equal to ten times the number of towns and wards in such county; and the said clerks shall immediately deliver ten copies thereof to the inspectors of election in each town of the county; and the expense of such publication,

Duty of secretary of state in publishing, &c.

printing and distribution shall be paid by the treasurer on the warrant of the comptroller.

CHAP. XCI.

AN ACT concerning the Gospel and School lot in the town of Tully, in the county of Onondaga.

Passed March 13, 1821.

A certain portion of the proceeds of a gospel and school lot to be paid over to the town of Spafford.

I. *BE it enacted by the People of the State of New-York represented in Senate and Assembly*, That it shall be lawful for the freeholders and inhabitants of the town of Spafford, in the county of Onondaga, at their next annual town meeting, to elect three trustees being inhabitants and freeholders of the town of Spafford, whose duty it shall be to call on and demand from the trustees of the town of Tully, either in bonds, mortgages, notes or other securities, eighteen fiftieth parts of the original sum due, and not including interest that has been received or secured to be paid from the sale of the gospel and school lot, sold by the trustees of the town of Tully, but in case of neglect or refusal to pay over as aforesaid, then it shall be the duty of the trustees of the town of Spafford to sue for the amount of the eighteen fiftieth parts of the amount of money arising from the sale of the said gospel and school lot, and recover the same in any court having cognizance thereof, for the support of the gospel and schools for the said town of Spafford, to be appropriated in such manner as the freeholders and inhabitants of the said town at their annual town meeting shall order and direct.

Account to be rendered.

II. *And be it further enacted*, That it shall be the duty of the trustees of the town of Spafford, to render a just and true account of their proceedings as is directed by the sixth section of the act concerning gospel and school lots, passed the 2d day of April, 1813.

CHAP. XCII.

AN ACT relative to the Courts of Common Pleas and General Sessions of the Peace, in and for the county of Cayuga.

Passed March 16, 1821.

Three terms of the court in Cayuga.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the passage of this act, there shall be but three terms of the court of common pleas and general sessions of the peace in and for the county of Cayuga, in each and every year hereafter, and that the terms of said court shall be held on the third Mondays in May, September and January, in each year, and that the said courts may be continued to be held from the time of the commencement thereof until and including the Saturday thereafter in each term, and that all writs and processes returnable at the next April term of said court, shall be and hereby are made returnable on the said third Monday in May next, all laws or usages to the contrary notwithstanding.

CHAP. XCIII.

AN ACT to regulate the width of Highways in Putnam County.

Passed March 16, 1821.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the commissioners of highways, in the several towns in the county of Putnam, to lay out any roads in said county, not more than four, nor less than two rods wide, any thing in the act, entitled "An act to regulate highways," to the contrary notwithstanding.

Width of roads in Putnam.

CHAP. XCIV.

AN ACT for the relief of the heirs of Andries Longyear, deceased.

Passed March 16, 1821.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the commissioners of the land-office, and they are hereby required to grant by letters patent, to the heirs at law of Andries Longyear, late a soldier in the army of the United States, in the line of this state, one hundred acres of land, in the township of Sterling, in the tract set apart for the use of the soldiers of the line of this state, to have and to hold the said lands in the same manner, and by like title, as if such lands had been vested in the said Andries Longyear, in fee simple, in his life time, and had descended by inheritance, at his death, to his heirs.

A. Long-year's heirs to receive a grant of 100 acres.

CHAP. XCV.

AN ACT for the preservation of Fish, in the town of Sandlake, in the county of Rensselaer.

Passed March 16, 1821.

1. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the passing of this act, it shall not be lawful for any person or persons, at any time, or in any manner whatsoever, before the first day of May, in the year one thousand eight hundred and twenty-three, to take any fish of any kind, or to use any means for taking them, in the waters of a certain lake, now known by the name of the Glass Lake, between the old dam at the inlet, and the dam at the outlet of said lake, near the Rensselaer glass factory, in the town of Sandlake.

Fishing prohibited.

Penalty.

II. *And be it further enacted*, That if any person or persons shall fish contrary to the provisions of the preceding section, he or they shall forfeit the sum of five dollars for each and every offence, to be sued for and recovered by any person who will prosecute for the same, in an action of debt, in his own name, the one moiety thereof shall, when recovered, be paid to the overseers of the poor of said town of Sandlake, and the other moiety to the person who shall sue for the same.

Provisions as to pickerel.

III. *And be it further enacted*, That it shall not be lawful for any person, at any time, after the passing of this act, to take any pickerel in any of the waters of the lake, now known by the name of the Glass-lake, in any other way, or by any other means, than with the hook and line, and if any person or persons shall take any pickerel, by any other means, he, she or they shall forfeit and pay, for each and every offence, to any person who will prosecute for the same, in any court having cognizance thereof, with costs of suit, the sum of five dollars, in an action of debt.

Penalty

CHAP. XCVI.

AN ACT for the relief of Asa Willey.

Passed March 16, 1821.

A. Willey to receive a grant of certain lands.

Proviso.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be the duty of the commissioners of the land-office to cause letters patent to issue to Asa Willey, his heirs and assigns, for the south half part of lot number four, in the subdivision of the literature lot, in the township of Fayette, in the county of Chenango, being lot number fifty-one, in said township, and to cancel the bond herein after mentioned, when the said Asa Willey shall have paid to the treasurer of this state, on his bond, executed to the people of this state, on the twenty-sixth day of September, one thousand eight hundred and fifteen, the sum of one hundred eighty-one dollars and fifty cents, with interest thereon, from the date of said bond : *Provided*, the said Asa Willey shall, by the first day of July next, execute and file, in the office of the secretary of this state, a release to the people of this state of all his right and claim to the north half part of said lot number fifty-one, in the Fayette township, by virtue of a certificate executed to him by the surveyor-general, of equal date with said bond.

CHAP. XCVII.

AN ACT providing for the compensation of the District Attorney of the County of New-York, and for the Crier and Clerk of the Courts of Oyer and Terminer and General Gaol Delivery, and General Sessions of the Peace, in the City and County of New-York, and for other purposes.

Passed March 16, 1821.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That from and after the passing of this act, the mayor, aldermen and commonalty of the city of New-York, shall pay to the district attorney for the county of New-York, in lieu of the compensation which the county of New-York is now required to pay him, a salary of three thousand dollars annually, which salary shall be paid to him quarter yearly. *And further*, That it shall not thereafter be obligatory upon the supervisors of said county to allow any of the accounts of the said district attorney for services thereafter to be rendered, nor shall it be obligatory upon the said county to pay any such accounts, nor to pay him any other compensation whatsoever for any services which he may thereafter render,

A salary of 3000dolls. allowed the dist. attorney

II. *And be it further enacted*, That the clerk of the court of oyer and terminer and general gaol delivery, and of the court of general sessions of the peace, in the city and county of New-York, shall be paid by the mayor, aldermen and commonalty of the city of New-York, an annual salary of two thousand dollars, in equal quarterly payments, in lieu of the payments required to be made to him in and by the act, entitled "An act to amend an act, relative to district attorneys," and also in lieu of all claims of the said clerk upon the said county, or upon the mayor, aldermen and commonalty of the city of New-York : *And further*, That the tenth section of the act, entitled "An act relative to the court of exchequer," and the act, entitled "An act further to amend the act, entitled "An act to amend an act relative to district attorneys," be and the same are hereby repealed.

A salary of 2000dolls. allowed the clerk of oyer and terminer.

III. *And be it further enacted*, That fines and forfeited recognizances shall be collected by the sheriff of the city and county of New-York, under the order of the court of general sessions of the city and county of New-York, who shall render his account of the collection thereof, under oath, to the comptroller of the city of New-York, on the first Monday of every month, and shall forthwith thereafter pay the amount thereof to the chamberlain of said city, for the use of the mayor, aldermen and commonalty of the said city.

Sheriff to collect all fines.

IV. *And be it further enacted*, That the compensation of the marshals and constables for attending any of the courts in the city and county of New-York, shall not exceed one dollar and twenty-five cents for each day's attendance.

1d. 25c. per diem allowed a constable or marshal for attending court.

V. *And be it further enacted*, That the mayor, aldermen and commonalty of the city of New-York, shall pay to the crier of said courts, the sum of one hundred dollars annually, in equal quarter-

100d. a year allowed the crier.

ly payments, in lieu of the payments required to be made to him in and by the above mentioned acts.

Salaries of
assist. justi-
ces may be
reduced to
\$5000 each.

VI. *And be it further enacted*, That it shall be lawful for the mayor, aldermen and commonalty of the city of New-York, in common council convened, to reduce the salaries of the assistant justices of the said city, to the sum of one thousand five hundred dollars each per annum, in case they should think proper.

CHAP. XCVIII.

AN ACT to enable the Persons therein mentioned to change their Names.

Passed March 16, 1821.

Certain indi-
viduals may
alter their
surnames.

BE it enacted by the People of the State of New-York, re- presented in Senate and Assembly, That Alfred Hoar, Lowel Hoar, Levi Hoar, Nancy Hoar, Rufus Hoar, and Lucy Hoar, of Pembroke, in the county of Genesee, at all times hereafter may take upon themselves the surname of Hall, and by that name they shall respectively be called and known in all cases whatsoever.

CHAP. XCIX.

AN ACT to alter the October Term of the Court of Common Pleas and General Sessions of the Peace, in Montgomery County.

Passed March 16, 1821.

October term
on the 2d
Tuesday of
October.

BE it enacted by the People of the State of New-York, re- presented in Senate and Assembly, That the October term of the court of common pleas and general sessions of the peace, heretofore held on the third Tuesday in October, in and for the county of Montgomery, shall hereafter be held on the second Tuesday in October in each year, in like manner and to the same effect, as the other terms of the said courts are now held by law; and that so much of the act, entitled "An act to alter the terms of the courts of common pleas and general sessions of the peace of the county of Montgomery, and to abolish one of the terms thereof," passed April 11th, 1820, as requires the October term of the said courts to be held on the third Tuesday in October, be and the same is hereby repealed.

CHAP. C.

AN ACT concerning certain Taxes in the town of Salisbury.

Passed March 16, 1821.

153d. 20cts.
to be credit-
ed the treas-
urer of Hor-
kimer.

BE it enacted by the People of the State of New-York, re- presented in Senate and Assembly, That it shall be the duty of the comptroller to pass to the credit of the treasurer of the

county of Herkimer, the sum of one hundred and fifty-three dollars and twenty cents, with interest thereon, being for the state tax imposed by mistake in the years one thousand eight hundred and seventeen, one thousand eight hundred and eighteen, and one thousand eight hundred and nineteen, on certain lands then supposed to lie in the town of Salisbury, in the said county, but which are in the town of Lake Pleasant and county of Hamilton, and the amount so credited shall be certified by the comptroller to the said treasurer, who shall thereupon pass the said amount to the credit of the said town of Salisbury.

CHAP. CI.

AN ACT for the relief of the Heirs of Jesse Adams.

Passed March 16, 1821.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the commissioners of the land office, and they are hereby required to grant by letters patent to the heirs at law of Jesse Adams, late a soldier in the army of the United States, in the line of this state, two hundred acres of land in the township of Sterling, in the tract set apart for the use of the soldiers of the line of this state, to have and to hold the said lands in the same manner and by like title as if the said lands had heretofore been granted in the name of a deceased soldier under the existing laws of this state.

J. Adams to receive a grant of 200 acres.

CHAP. CII.

AN ACT authorising the grant of Lands to Jacob Lent.

Passed March 16, 1821.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be lawful for the commissioners of the land office, and they are hereby required to grant to Jacob Lent, his heirs and assigns, two hundred acres of land in the township of Sterling, for his military services in the revolutionary war.

J. Lent to receive a grant of 200 acres.

CHAP. CIII.

AN ACT to divide the Town of Alfred, in the County of Allegany.

Passed March 16, 1821.

I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the passing of this act, all that territory now in the town of Alfred, in the county of Allegany, south of the line between townships num-

Independence erected.

ber two and three, and extending west therefrom to the east line of the town of Angelica, shall hereafter be known and remain a separate town by the name of Independence; and the first town meeting shall be held at the house of Luther Strong.

Alfred.

II. *And be it further enacted*, That all that part of the territory in the now town of Alfred, south of the line drawn between townships number three and four, and extending west from said line to the east line of the town of Angelica, and extending to the above marked line, as the north line of Independence, shall be known and remain a separate town by the name of Alfred, and that the first town meeting shall be held at the house of Gideon B. Spicer.

Almond erected.

III. *And be it further enacted*, That all the remaining territory of Alfred, including a part of the town of Angelica, contained within the following bounds, viz: beginning at the northwest corner of the township number four in the seventh range, running due west three miles, thence south to the south line of number five in the first range in Morris' reserve, shall be known and remain a separate town by the name of Almond, and the first town meeting shall be held at the house of David Crandall.

Poor and money divided.

IV. *And be it further enacted*, That the supervisors and overseers of the poor of the towns of Independence, Alfred and Almond, shall meet at the house of David Crandall, in the town of Almond, on the first Monday in May next, and apportion the monies and poor belonging to the said town of Alfred, previous to the division agreeable to the last tax list; and that each of the said towns shall thereafter maintain and support their poor; and that it also be the duty of the commissioners of common schools in the said towns of Independence, Alfred and Almond, to meet at the time and place above mentioned for the supervisors and poor masters to meet, and make an equitable apportionment of the money arising from the rents or sales of the gospel and school lots, if any there be, belonging to the said town hereby amended.

CHAP. CIV.

AN ACT to divide the town of Concord, in the county of Niagara.

Passed March 16, 1821.

Collins erected.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That from and after the thirty-first day of March, instant, all that part of the town of Concord, in the county of Niagara, comprehending township number seven, in the eighth range, and all that part of township number six, in the eighth range, lying within the county of Niagara, together with three tiers of lots on the west side of township number seven, in the seventh range, and three tiers of lots on the west side of township number six, in the seventh range, within the county of Niagara, of the Holland land company, shall be and hereby is erected into a separate town by the name of Collins, and that the first town meeting shall be held at the dwelling-house of George Southwick in said town.

II. *And be it further enacted*, That from and after the thirty-first day of March, instant, all that part of the said town of Concord, comprehending township number seven in the fifth range, and three tiers of lots on the east side of township number seven in the sixth range, and all those parts of township number six in the fifth range and township number six in the sixth range of the Holland land company's land, lying within the county of Niagara, shall be and hereby is erected into a separate town by the name of Sardinia, and the first town meeting shall be held at the dwelling-house of Giles Briggs in said town, and that all the remaining part of the town of Concord, shall be and remain a separate town by the name of Concord, and that the next town meeting shall be held at the dwelling-house of Harry Sears in said town. Sardinia erected.

III. *And be it further enacted*, That as soon as may be after the thirty-first day of March, instant, the supervisors and overseers of the poor of the aforesaid towns, shall by notice to be given by the supervisor and overseers of the poor of the town of Concord, meet together at the dwelling-house of Harry Sears in said town, and apportion the poor maintained by the said town of Concord, and the poor money belonging to the same previous to the division thereof, agreeably to the last tax list, and that each of the said towns shall for ever thereafter respectively support their own poor. Poor and money divided.

CHAP. CV.

AN ACT authorising Samuel Badger and Uri Doolittle, to erect and maintain Dams across the Susquehannah River, in the town of Windsor.

Passed March 16, 1821.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for Samuel Badger, his heirs and assigns, to erect and maintain a dam of brush and stone, (in the form of a rolling dam,) across the Susquehannah river on Hemlock rift, so called, beginning at or near the northeast corner of Amos Smith's land, in the town of Windsor, in the county of Broome, not to exceed thirty inches high from the bottom of the river in the most shallow part thereof, the lower side from the ridge not less than twelve feet. A dam in Broome county.

II. *And be it further enacted*, That it shall and may be lawful for Uri Doolittle, his heirs and assigns, to erect and maintain a dam of brush and stone across the Susquehannah river, (in the form of a rolling dam,) between the lands of Charles Knox and Ezra Garnsey, in the town of Windsor, in the county of Broome, not to exceed thirty inches high from the bottom of the river in the most shallow part thereof, the lower side from the ridge not less than twelve feet wide: *And further*, That it shall be lawful for the said Samuel Badger and Uri Doolittle, their heirs and assigns, from and after the fifteenth day of June in each year, to set a plank or board on their said dams, not more than one foot wide to save the water if they should think necessary, which said board or plank may remain so set up until the first day of March next thereafter in Another dam in same county.

Proviso.

each year and no longer: *And provided nevertheless*, That no obstruction shall be made to the passage of boats, rafts or arks, in common rafting freshets with the same facility as at present, and should it be found expedient at any future time to improve the navigation of said river, the said Samuel Badger and Uri Doolittle shall permit such improvements to be made by locks or otherwise: *And provided also*, That if the erection of said dams within the period hereby limited shall be found productive of inconveniences either to the public or to persons living in the vicinity thereof, the authority hereby granted to the said Samuel Badger and Uri Doolittle, or either of them, may be revoked by the court of common pleas of the county of Broome: *And provided also*, That the said Samuel Badger and Uri Doolittle shall make and keep in repair a good and sufficient lock through each of their said dams across said river, for boats to pass through, said locks to be made at such time and in such manner as shall be ordered and directed by the court of common pleas of the county of Broome, and shall permit boats to pass up and down through said locks free of cost, any law, usage, or custom to the contrary notwithstanding: *Provided always*, That this act shall be and continue in force during the term of twenty years and no longer.

Power of
Broome com-
mon pleas.

Duration of
act.

CHAP. CVI.

AN ACT to divide the Town of Ulysses, in the County of Tompkins.

Passed March 16, 1821.

Part of Ulysses to retain that name.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That from and after the passing of this act, all that part of the town of Ulysses, in the county of Tompkins, lying within the boundaries following, that is to say, beginning at the northwest corner of lot number one, in said town, thence south to the northwest corner of lot number thirty-four, thence east to the northeast corner of lot number thirty-nine, thence south to the northwest corner of lot number forty, thence east to Cayuga lake, thence along said lake northerly to the southeast corner of the town of Covert, thence west, to the place of beginning, shall be and is hereby erected into a separate town, by the name of Ulysses, and that the first town meeting be held at the house of John Mattison, in the village of Jacksonville, in said town.

Part of the remainder to be called Enfield.

II. *And be it further enacted*, That so much of the remaining part of the town of Ulysses, lying within the following boundaries, that is to say, beginning at the northwest corner of lot number thirty-four, thence south to the north line of Tioga county, thence east on said line to the southeast corner of lot number seventy-seven, thence north to the northeast corner of lot number thirty-nine, thence west, to the place of beginning, shall be, and is hereby erected into a separate town by the name of Enfield, and that the first town meeting be held at the house of John Applegate: and all the remaining part of the town of Ulysses shall be and re-

main a separate town by the name of Ithica, and that the first town meeting be held at the court-house, in the village of Ithica.

III. *And be it further enacted*, That the supervisors and overseers of the poor of the towns of Ulysses, Enfield and Ithaca, shall meet together on the second Tuesday of May next, at the house of Edmund Hopkins, in the town of Ulysses, and apportion the money and poor belonging to the said town of Ulysses previous to the division, agreeable to the last tax list, and that each of the said towns thereafter shall maintain and support their own poor; and that it also be the duty of the commissioners of common schools in the said town hereby divided, to meet with the said supervisors, on said second Tuesday of May next, and make an equitable apportionment of the monies arising either from the rents or sale of the gospel and school lot belonging to the said town hereby divided.

And the other part to be called the town of Ithaca. Division of poor and money, &c.

CHAP. CVII.

AN ACT *declaring a part of the Black River a Public Highway, and for other purposes.*

Passed March 16, 1821.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That such part of the Black River in the counties of Lewis and Jefferson, as is contained between the high falls in Turin and the toll bridge over said river at the village of Carthage, (so called,) in the town of Wilna, be and it is hereby declared to be a public highway.

The part declared a highway.

II. *And be it further enacted*, That if any person shall dam up, or obstruct the navigation of the waters aforesaid, between said high falls and bridge, by building or erecting any works, or by cutting or falling wood or timber in the Moose river, (the distance of two miles above the high falls,) or in said Black river, between said high falls and the toll bridge aforesaid, such person or persons so offending, shall forfeit for each offence the sum of ten dollars, to be recovered with costs of suit, in any court having cognizance thereof, by any person who will prosecute for the same to effect; the one moiety thereof to be paid to the commissioners of highways of the town in which such offence shall happen, to be by them laid out and expended in improving the roads, or erecting bridges in the said town, and the other moiety to be for the use of the person who shall so prosecute for the same: *Provided*, That nothing in this act shall go to prevent any person or persons from rafting any timber or lumber on said waters: *Provided however*, That nothing contained in this act shall be construed to affect or destroy the private or vested rights of any individual, in or about said waters, or the lands adjacent.

Prohibition as to damming, &c.

Penalty.

Proviso.

III. *And be it further enacted*, That from and after the first day of July next, it shall not be lawful for any person to lead, ride or drive any horse or horses, or other cattle, faster than a walk on or over any bridge which now is, or hereafter shall be erected across the said Black river, within fifty miles of its mouth, under the penalty of one dollar for each offence, to be recovered by action

Fast driving over bridge prohibited.

Penalty.

Proviso.

of debt, in any court having cognizance thereof, in the name of one of the commissioners of highways of the town where the offence is committed; and that the amount of all fines recovered by virtue of this section, shall be appropriated by said commissioner to keep such bridge in repair: *Provided however*, it shall be the duty of the commissioners of highways, at the expense of the town where such bridges are, or may hereafter be erected, to put up a notice of such penalty in large fair letters, which shall be erected and continued on such bridge.

CHAP. CVIII.

AN ACT to amend the act, entitled "*An act to incorporate the Rensselaer and Saratoga Insurance Company.*"

Passed March 16, 1821.

Preamble.

WHEREAS the Rensselaer and Saratoga Insurance Company, by their charter, were authorised to commence their business as a fire insurance company whenever their capital paid in and secured, amounted to one hundred thousand dollars, and by their petition have prayed that their said charter may be amended in several respects: Therefore,

Dividend when and how to be made.

I. *BE it enacted by the People of the State of New-York represented in Senate and Assembly*, That it shall and may be lawful for the president and directors of said company, whenever the amount paid upon their capital stock shall amount to the said sum of one hundred thousand dollars, after deducting all losses by them sustained, or which they may hereafter sustain, from time to time, as they shall see fit, to make dividends amongst the stockholders out of the subsequent profits of the company, as the said directors may deem expedient, any thing in the twelfth section of their said act of incorporation to the contrary notwithstanding.

Nine directors to form a quorum.

II. *And be it further enacted*, That any nine of the directors of the said company, shall be a quorum to transact any business, the same as though a majority of the whole number of directors were present.

A share reduced to 25d.

III. *And be it further enacted*, That the amount of each share of the capital stock of the said company shall be only twenty-five dollars, instead of fifty dollars, and that the stockholders respectively shall be released from their liability to pay any sum more on each of said shares, than twenty-five dollars, including the monies already paid and secured thereon: *Provided nevertheless*, That nothing herein contained shall exonerate the stockholders from the payment of such further sum beyond the said sum of twenty-five dollars on each share as shall be necessary to pay the damages the company may become liable to pay under the policies of insurance heretofore issued by the said company, before the expiration of the present risks.

Proviso.

CHAP. CIX.

AN ACT concerning the Estates of Habitual Drunkards.

Passed March 16, 1821.

I. *BE it enacted by the People of the State of New-York, re-*
presented in Senate and Assembly, That it shall be and hereby
 is declared to be lawful for the court of chancery of this state to ex-
 ercise a jurisdiction and power in regard to the estates of persons
 who shall be incapable of conducting their own affairs in conse-
 quence of habitual drunkenness, similar to the jurisdiction and
 power exercised by that court in regard to the estates of lunatics :
Provided, That the costs of any proceeding upon a petition to the
 chancellor, in regard to the estate of any person who shall be in-
 capable of conducting his own affairs in consequence of such
 drunkenness, in case the inquisition be traversed, shall not exceed
 the sum of twenty-five dollars, and in case such inquisition shall
 not be traversed, such costs shall not exceed the sum of fifteen dol-
 lars.

Chancellor
may issue a
writ in nature
of a de lunat-
ice inquirin-
do, &c.

Provide.

II. *And be it further enacted,* That it shall and may be law-
 ful for the overseer or overseers of the poor of any city or town
 within this state, and they are hereby required whenever they dis-
 cover any person or persons to be habitual drunkards, whose prop-
 erty may be endangered by means of such drunkenness, to make
 an application to the court of chancery for the exercise of its pow-
 er and jurisdiction aforesaid, and if such drunkard shall not pos-
 sess property sufficient for his or her support, such overseer or
 overseers may designate and describe such drunkard, and require,
 by writing, to be signed by him or them, all and every merchant,
 distiller, store keeper, grocer, tavern keeper, or other dealer in
 spirituous liquors, within their respective cities or towns, not to
 give or sell, under any pretence, spirituous liquor to any such
 drunkard, and if, after the service of such notice, any such person
 or persons shall knowingly give or sell in any way or manner spi-
 rituous liquors to any such drunkard, except by the direction or
 on the certificate of a regularly licensed physician, that the same
 is necessary for the preservation or recovery of the health of such
 drunkard, he, she or they shall forfeit and pay for every offence
 the sum of ten dollars, to be recovered by the overseers of the
 poor of the several cities or towns, or either of them, for the use
 and support of the poor of such city or town.

Overseers of
the poor may
apply to the
chancellor.

And may for-
bid the fur-
ther use of
spirituous
liquors.

III. *And be it further enacted,* That if any person designated
 and described as aforesaid, shall consider himself aggrieved or in-
 jured thereby, he may apply to any justice of the peace of such
 city or town, who shall immediately give notice in writing, signed
 by himself, to the overseer or overseers, of such application, and
 shall so name a time and place when and where the parties shall
 meet for the trial of the fact of such drunkenness, and shall also issue
 a venire to any constable of such city or town, requiring him to
 cause to come before the said justice, at the said time and place,
 not less than nine nor more than twelve reputable freeholders of
 such city or town, any six of whom being ballotted for and appear-

Party may
appeal to a
justice.

And a jury shall determine such appeal.

ing, shall be sworn, well and truly to try the matter in difference between such person and the overseer or overseers aforesaid, and if upon investigation and due proof on both sides, if offered, the said persons thus ballotted for, shall say that in their opinion such person is an habitual drunkard, the said justice shall enter such declaration in a book to be by him provided, which declaration or an attested copy thereof shall be considered *prima facie* evidence of the fact, in all places and courts, in any action between the supervisor prosecuting for the recovery of any penalty against any such person as aforesaid; but if the said six persons shall declare such person not to be an habitual drunkard, the said justice shall also enter the same, and award and direct to the applicant such costs against the said overseers as are usual in trials by jury on summons issued against the defendant, which costs shall be paid by such overseers.

And costs may be allowed on failure, &c.

Notice revokable in case of reformation.

IV. *And be it further enacted*, That if at any time thereafter the overseers of the poor of such city or town shall be satisfied that such drunkard has reformed, and become sober, they shall, on the application of such person, revoke such notice as aforesaid.

Costs how paid.

V. *And be it further enacted*, That the expense of prosecuting suits directed by this act, or defending on any such application as aforesaid, in the event of a failure, shall be borne and defrayed by the overseers of the poor of the several cities and towns, the account whereof, and of the several overseers of the poor, supervisors and justices, in granting licenses, shall be audited and allowed as the other expenses of such city or town are audited and allowed.

CHAP. CX.

AN ACT to provide for taking a Census, and for other purposes.

Passed March 16, 1821.

Persons how and by whom chosen to take the census.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the mayor, aldermen and common council convened, of each of the cities, and the supervisor, town clerk, and assessors of each of the towns in this state, shall respectively convene at some convenient place in each of said cities and towns, on or before the first Monday in June next, and appoint such and so many discreet and proper persons as they may deem necessary, not exceeding three in each town or ward, to take the census in each of said cities and towns.

Duty of secretary of state in causing blank returns to be printed and transmitted, &c.

II. *And be it further enacted*, That the secretary of this state shall without delay cause blank returns to be printed, in conformity to the provisions of this act, and shall, on or before the first day of May next, cause to be delivered to the clerk of the city of New-York, thirty copies of said returns, and to each of the treasurers of the counties in this state, three times as many of the said returns as there are wards and towns in their counties respectively, and shall also at the same time deliver to each of the persons aforesaid, to whom the said blank returns shall be delivered, a like number of copies of this act, and it is hereby made the duty of the said trea-

surers respectively, to deliver, on or before the tenth day of May next, to the clerks of each of the cities and towns in their county, the said returns, and copies of this act, provided as aforesaid for such cities and towns. Duty of county treasurers.

III. *And be it further enacted*, That the persons so to be appointed as aforesaid, shall without delay take the number of electors, and other free male inhabitants of the age of twenty-one years or upwards, residing in the said cities, towns or wards, for which they shall respectively be appointed, and enter the same in their returns, to be delivered by virtue of this act, in manner following, that is to say, in the first column, the name of the head of each family; in the second column, the whole number of male inhabitants in the same family, if any, who are citizens of this state, of the age of twenty-one years or upwards, and are possessed of freeholds within this state, of the value of two hundred and fifty dollars, over and above all debts charged thereon; in the third column, the whole number of male inhabitants in the same family, if any, who are citizens of this state, of the age of twenty-one years or upwards, and are possessed of freeholds in the county in which they reside, of the value of fifty dollars; in the fourth column, the whole number of male inhabitants in the same family, if any, who are citizens of this state, of the age of twenty-one years or upwards, who are not possessed of freeholds, but who rent tenements of the yearly value of five dollars; in the fifth column, the whole number of free male inhabitants in the same family, if any, who are citizens of this state, of the age of twenty-one years or upwards, who are not possessed of freeholds, and who do not rent tenements of the yearly value of five dollars, but who have been actually rated and paid taxes to this state, or who have been enrolled in the militia, or in a uniform company of this state, and served therein either as an officer or private, or who have done service in any other way which by law exempts from taxation or military duty, or who have been rated and actually paid highway taxes by commutation or by labor—But no person shall be numbered in the said third column, who has been numbered in the said second column; nor any person numbered in the said fourth column, who has been numbered in either the second or third column; nor any person numbered in the said fifth column, who has been numbered in either the said second, third or fourth column: And the returns so made out as aforesaid, shall be certified by the person taking the same, to be true according to the best of his knowledge and belief, and subscribed and sworn to before any justice of the peace of the county in which such census shall have been taken, who shall certify such attestation, and such person shall, on or before the first day of December next, cause the said returns by him made out as aforesaid, to be delivered in manner following, that is to say, for the said cities, to the clerks thereof respectively, and for the said towns, to the respective clerks thereof, which clerks of the said cities, except New-York, and towns, shall cause such returns to be delivered without delay to the treasurers of the counties respectively, in which such cities or towns are situated; who shall, on or before the second Tuesday in January next, enclose such returns, and under seal, and by some one member of the legislature for the time being (whose duty it shall be to receive the same) transmit the

Census how taken.
1st column.
2d do.
3d do.
4th do.
5th do.
As to placing persons in the different columns.
Returns to be certified and sworn to.
And to whom to be returned

And to be transmitted to the secretary of state.

same to the secretary of this state; and the clerk of the city of New-York shall within the like period enclose and cause to be transmitted, in like manner, to the secretary as aforesaid, the said returns for said city.

Duty of persons taking census.

IV. *And be it further enacted*, That the persons so appointed to take the said census, shall make actual enquiry at every dwelling-house, or of the head of every family, and not otherwise; and if any person shall knowingly or wilfully give to any such person appointed to take the census, false information in any matter necessary for enabling them to execute the duties enjoined on them by this act, the person so offending shall forfeit the sum of twenty dollars, to be recovered with costs of suit, before any justice of the peace, to the use and benefit of any person who shall prosecute therefor; and if any of the said persons whose duty it shall be to appoint proper persons to take the said census, or any of the persons so appointed, or any county treasurer, or any other person on whom any duty is imposed by this act, shall refuse or neglect to perform the duty enjoined upon them respectively, every such person so offending shall forfeit and pay to the people of this state, the sum of one hundred and fifty dollars, to be recovered by the attorney general, with costs of suit by action of debt, or information, in any court of record having cognizance thereof.

Penalty on those giving them false information, &c.

And on those neglecting their duty in taking the census,

Expenses of taking census how paid.

V. *And be it further enacted*, That the accounts of the persons taking the census shall be audited by the supervisors of the county, and thereupon be assessed, collected and paid, as part of the contingent expenses of the same county.

Persons residing on the 1st June to be enumerated.

VI. *And be it further enacted*, That every person whose usual place of abode shall be in any family on the first day of June next, shall be returned as of such family, and every person occasionally absent at the time of taking the census under this act, as belonging to that place in which he usually resides in this state.

Duty of secretary of state in making report, &c.

VII. *And be it further enacted*, That the secretary of this state shall without delay, after receiving the said returns, make and report to the legislature a general account of the census taken under this act, omitting the names of the heads of families, in the first column, and inserting in place thereof the name of the ward or town.

Persons taking census to return acres of improved land, neat cattle, horses sheep, fulled cloth, flannel, woollen cloth, linen, cotton, thin cloths, grist mills, saw mills, oil mills, fulling mills, carding machines, cotton and woollen factories, iron works, trip hammers, distilleries, and asberies. Further duty of secretary of state.

VIII. *And be it further enacted*, That the persons respectively who shall be appointed to take the said census, under and in pursuance of this act, shall also at the same time, take the number of acres of improved land, occupied by each person; the number of neat cattle, the number of horses, and the number of sheep owned by each person; the number of yards of fulled cloth, the number of yards of flannel and other woollen cloths not fulled; the number of yards of linen, cotton, or other thin cloths manufactured in the domestic way in each family, during the year next immediately preceding: also the number of grist mills, saw mills, oil mills, fulling mills, carding machines, cotton and woollen factories, iron works, trip hammers, distilleries, and asberies: and for those purposes the secretary of this state shall cause proper additional columns to be made to the blank returns, to be by him provided in manner aforesaid, which said returns shall be made out, sworn to, and returned in the same manner as the other returns, and the said persons taking the same shall be compensated in like manner

as for their other services under this act ; and the secretary shall make and report an account of the returns made under this section of the act, in the same manner as he is directed to make and report an account of the census by the preceding section of this act.

CHAP. CXI.

AN ACT authorising the Surveyor-General to lease the State Reservation at the Oswego falls, and for other purposes.

Passed March 16, 1821.

I. BE it enacted by the People of the State of New-York, ^{Leases for 5 years author- ised to be gi- ven.} That the surveyor-general of this state be, and he is hereby authorised to lease the reservation belonging to this state at the Oswego falls, in the county of Oswego, and the lands adjoining thereto, to any suitable person or persons who shall apply for the same, his or their assigns, for the term of five years from and after the eleventh day of April next, upon such terms as to rents, ^{Rents.} as to the said surveyor general shall seem proper and for the best interest of the state, with such covenants in said lease contained as shall seem fit and proper to the said surveyor-general ; and it shall be lawful for the said surveyor-general to contract either for an annual rent payable in money for the said premises, or instead thereof to contract for permanent fixtures and improvements to be made on the said premises, ^{Fixtures and improve- ments.} to revert to the state at the expiration of the term by him to be granted as afore- said, and it shall be expressed in the said lease that the same shall not give a right to the lessee or lessees to make use of the freestone of the quarries along the shore of the said river on the land reserv- ed to the people of this state, other than for the buildings which ac- cording to the covenants of said lease shall at the expiration there- of be surrendered to the state, and that the lessee or lessees shall not prevent any stone to be taken therefrom for any public works by the agents of the state authorised or directed to con- struct them : ^{Freestone.} *Provided always,* That the land lying between the said river and the road running parallel thereto through the said reservation, from the building called the United States' store to the landing where boats are usually drawn out above said falls, to pass the same, except so much thereof as may be necessary to erect storehouses upon, shall remain for public uses, and that all and ev- ery person or persons may deposit salt and other articles thereon : ^{Proviso.} *And provided also,* That the said highway shall to all intents and purposes be deemed a public highway, and that it shall be lawful for any person or persons whatsoever, with their teams or carriages to use the same, any thing in any former law to the contrary not- withstanding : ^{Further pro- viso.} *And provided further also,* That the surveyor-ge- neral shall at all times during the continuance of the said lease, have authority, when thereunto directed by order of the commissioners of the land-office, or by any law of this state, to survey or cause to be surveyed into lots, all that part of the said reservation lying east of the highway running along the said river, excepting two acres to be reserved about the mill house for the accommodation of the

Further proviso. same, and to sell the said lots when so surveyed, in such manner as he shall be directed as aforesaid: *And provided further also,* That the canal commissioners shall at all times during the continuance of the said lease, have authority, when thereunto directed by any law of this state, to enter upon any part of the said reservation for the purpose of laying out and opening a canal, or otherwise improving the navigation of the said Oswego river: *And provided further,* That it shall be the duty of the surveyor-general to cause to be published, in some public newspaper printed in the county of Oswego, for at least two weeks successively next preceding the said first day of April, a notice that the property herein named will be leased on the said first day of April, for the term of five years, to the person or persons offering proposals most beneficial to the people of this state.

Agents to be employed by surv. general.

II. *And be it further enacted,* That the surveyor-general shall be authorised from time to time to employ such agent or agents as in his opinion shall be necessary for carrying into effect the provisions of this act, and that the treasurer shall on the warrant of the comptroller, pay the reasonable expenses and compensation of such agent or agents.

Arsenal lot in Albany to be leased.

III. *And be it further enacted,* That the commissary-general, by and with the approbation of his excellency the governor, shall be and he is hereby empowered to lease for a term not exceeding ten years from the first day of May next, any part of the lot of land belonging to the people of this state, on which the state arsenal is built in the city of Albany, at such rent, and payable at such periods, and to be secured as in his opinion may be reasonable and proper: *Provided,* That it shall be lawful for the people of this state to cancel and annul the said lease at any time during the said term of years, upon notice being given by the commissary-general, under the direction of his excellency the governor, to such lessee or lessees, or the occupant or occupants of the said lot under them, that the ground so leased is required for public purposes.

Proviso.

CHAP. CXII.

AN ACT to incorporate the Trustees and Inhabitants of Delhi, and to invest them with certain powers.

Passed March 16, 1821.

Bounds.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That the district of country within the town of Delhi, in the county of Delaware, described as follows, viz: comprehending the whole of great lot number ten, in the Whitesborough patent, (excepting the two southwesterly farms or subdivisions thereof, now occupied by widow Charity Denio and Daniel Formou,) together with that part of the Franklin patent which lies easterly and southerly of a line formed by the continuation of the northwesterly line of said lot number ten, until it strikes the northeasterly line of the farm now occupied by John Maxwell, and running thence on said line to the Delaware river, and extending southeasterly so as to include the whole of the said river and

its southeasterly bank, opposite to the above described territory, be and shall hereafter continue to be known by the name of the "Village of Delhi," and the freeholders and inhabitants residing within the same and qualified to vote at town meetings, may on the first Tuesday in May, meet at the court-house, in said village, a notice whereof in writing shall be signed and put up by a justice or justices of the peace residing in the town of Delhi, in three of the most public places in said village, at least five days before the said day of meeting, and then and there proceed to elect five discreet freeholders, resident within the said village, to be trustees thereof, who when chosen shall continue in office until the first Tuesday in May, one thousand eight hundred and twenty-two, and until others are chosen, and shall possess the several powers herein after specified; and the justice or justices giving said notice shall preside at such election, determine the qualifications of voters, and declare the persons having the greatest number of votes duly elected trustees, and on every first Tuesday in May after the present year, there shall in like manner be a new election of trustees for the said village, and the trustees for the time being shall perform the duties above required of the said justice or justices, who shall notify the first meeting.

Name.

Trustees:

11. *And be it further enacted*, That all the freeholders and inhabitants residing within the said limits, be and they are hereby ordained, constituted and declared, to be a body corporate and politic, in name and in fact, by the name and style of the "Trustees and inhabitants of the Village of Delhi," and by that name they and their successors for ever shall and may have perpetual succession, and shall be persons in the law capable of suing and being sued, and of defending and being defended, in all courts and places whatsoever, and in all manner of actions, causes and complaints whatsoever, and that they and their successors may have a common seal, and may change and alter the same at pleasure, and shall be in law capable of purchasing, and holding, and conveying any estate real or personal, for the public use of the said village, and of purchasing, holding, fencing, and regulating a public burying ground, and of erecting and keeping in repair buildings and hay scales, and digging and constructing aqueducts and reservoirs, of purchasing and keeping in repair fire-engines and all utensils and instruments used in preventing and extinguishing fires, removing and preventing nuisances, laying out and keeping in repair, erecting, improving and ornamenting highways and bridges, and the public square within the said village, and maintaining and regulating a common school within the said village, as herein after provided; and of raising a sum by tax for the purposes aforesaid, not exceeding the sum of three hundred dollars, with the addition of five per cent for collector's fees, in any one year; which tax shall be justly and equitably assessed and charged upon the inhabitants and property within the said village, by the trustees or a majority of them, they having regard in such assessment to the property and relative situation of each individual and his general ability to pay the tax: *Provided nevertheless*, That if at any regular meeting of the freeholders and inhabitants of the said village, they shall resolve to erect a bridge across the Delaware river within the said village, it shall be lawful to levy and raise by tax as aforesaid, an

Style & power.

Proviso.

additional sum not exceeding two hundred dollars including collector's fees, and the like sum in addition as aforesaid, as often as it shall be necessary to renew or rebuild the said bridge: *Provided also*, That no tax shall be assessed or collected for any purpose whatever, and no buildings or real or personal estate purchased or disposed of, without the consent of the inhabitants of said village, in open legal meeting, by a majority present expressed: *Provided also*, That in all cases where any tax is laid for any specific purpose, it shall be lawful for and the duty of the said trustees, to take into consideration the particular advantages and disadvantages, the conveniencies and inconveniencies which each individual, subject to the said tax, may reasonably be considered as liable to enjoy or to suffer, on account of carrying into effect the object for which the said tax shall be laid, and to increase or diminish the assessment of such individual accordingly, so however that in no case the tax of any individual shall be increased to more than double what it would or ought to have been, in case he had been in no way peculiarly interested: *And provided also*, That in case any person shall consider himself agrieved by the assessment of any tax to be levied by virtue of this act, he may at any time within five days after he is regularly notified of the amount of his tax, either by the said trustees or the collector, present a written request to the said trustees or one of them, requiring a meeting of the inhabitants of the said village to be called for the purpose of taking into consideration his appeal from the said assessment, and such meeting, which it shall be the duty of the said trustees thereupon to call, on being regularly convened, or any other regular meeting of the said inhabitants, shall and may take into consideration the alleged grievance, and make such order in the premises as they shall deem proper; but no such case shall ever be taken into consideration, or relief granted, except at the first regular meeting after the complainant has been notified of the amount of his tax, unless expressly adjourned over, and then only at such adjourned meeting.

Further provision.

By-laws.

III. *And be it further enacted*, That it shall and may be lawful for the trustees of the said village, or the major part of them, and their successors, to make, ordain and publish such by-laws, rules and regulations, as they from time may deem meet and proper, and such particularly as are relative to the streets, highways, roads and alleys of the said village, relative to nuisances generally, relative to restraining cattle, swine and domestic animals of every kind, relative to the keeping and regulating of hay scales, relative to the construction and keeping in repair of fire places, chimneys, stoves and stove-pipes, and generally relative to any thing whatsoever that may concern the safety, advantage or good government of the said village; and they may establish, ordain and provide such reasonable fines, penalties and forfeitures upon the offenders against such by-laws as they shall think proper, not exceeding fifteen dollars for any one offence, to be prosecuted for and recovered before any justice of the peace or court having cognizance of the same, by the trustees, to and for the use of the said corporation; and in all cases where a suit or action is brought by the said trustees for any such fines, penalties or forfeitures, it shall be sufficient to declare generally that the defendant or defendants are indebted to the trustees and inhabitants of the village of Delhi in the amount

of such fine, penalty or forfeiture, and to give the special matter in evidence, and on such occasions no person shall be deemed an incompetent witness on account of any interest he may be supposed to have in consequence of his being an inhabitant of said village or being liable to pay taxes therein : *Provided always*, That nothing contained in such by-laws be contrary to or inconsistent with the laws and constitution of this state or the United States : *And provided also*, That before any such by-laws or any fines, penalties or forfeitures, for the infraction thereof shall take effect, or be of any force or validity, they shall be submitted to the inhabitants of the said village in regular meeting convened, and approved by a majority present.

Proviso.

IV. *And be it further enacted*, That at the first meeting of the said inhabitants, on the first Tuesday of May next, and also at every annual meeting thereafter, it shall be lawful for the said inhabitants to choose one treasurer, one collector, and one clerk, who shall hold their offices for the same terms of time as the trustees ; and in case either of the said offices shall become vacant for any cause whatever, it may be filled by the said inhabitants at any regular meeting : *Provided*, That each of the said officers and each of the trustees, before they enter upon the duties of their respective offices, and within ten days after their election, shall severally take and subscribe an oath before some justice of the peace, that they will faithfully perform their several duties according to the best of their knowledge and ability, and the said treasurer and collector shall also within the same time if required, give security for such performance to the trustees in such sum as they the said trustees shall deem proper.

First meeting

Proviso.

V. *And be it further enacted*, That any person who shall be chosen or appointed to any office created by this act, and shall refuse to accept the same, or shall neglect to take the requisite oath within the time above limited, shall forfeit and pay the sum of five dollars ; but neither the treasurer nor the collector shall incur the said penalty for not giving security as above required.

Penalties for not serving.

VI. *And be it further enacted*, That the person in possession of any real estate in the Village of Delhi, at the time any tax is assessed, shall be liable to pay the amount assessed thereon ; and in case such person is not bound by contract or otherwise to pay the same, he or she may recover the same or part thereof, in an action for money paid, laid out and expended, of and from the owner of such real estate, or such other person whose duty it was to have paid the said tax or part thereof, and all taxes upon any real estate in the said village shall be a lien thereon and shall be preferred in payment to all other charges ; and in the collection of all taxes whatsoever legally assessed within the said village, by virtue of this act, the collector of the village shall have the same power and be subject as near as may be to the same rules and regulations as the collectors of the several towns in this state.

Taxes.

VII. *And be it further enacted*, That whenever any tax, being a lien on any real estate within said village, shall be returned by the collector unpaid, it shall be lawful for the said trustees in any subsequent warrant they may issue for the collection of taxes, to include therein such unpaid tax, together with an interest of ten per cent. per annum thereon ; and in all cases where any tax shall

Assessors how to be collected.

be charged as a lien on any real estate in said village, and where personal estate sufficient whereon to levy, shall not be found, it shall be lawful for the collector to levy upon and sell, as goods and chattels, any timber or wood standing or growing thereon, and it shall be lawful for the purchaser, at all convenient and reasonable times, to enter thereupon and to cut and carry away such timber or wood so to be purchased as aforesaid.

President.

VIII. *And be it further enacted*, That the trustees, or a majority of them, shall within ten days after their election, select and appoint two suitable persons of their body, one as president and the other as clerk of the board; and shall in the by-laws of the said village, prescribe and regulate the several powers and duties of each; and the said president, or any three of the said trustees, may at any time when they shall deem it necessary, call a special meeting of the inhabitants of the said village, which shall to all intents and purposes be deemed a regular meeting.

Firemen.

IX. *And be it further enacted*, That it shall be the duty of the trustees to nominate and appoint, under the hands of the president and clerk and the seal of the village, a company of firemen, to consist of one captain and twelve men, who shall have the care of the engine and all the apparatus for preventing and extinguishing fires, and shall be subject to such by-laws as from time to time may be passed in the manner herein before provided.

Village a school district.

X. *And be it further enacted*, That the said village shall constitute and be a school district, under and according to the act entitled "An act for the better establishment of common schools," passed April 15, 1814, and the several amendments and additions of and to the same, now or hereafter to be passed; and the trustees, clerk and collector of the village shall at all times be the trustees, clerk and collector of the said district; and the term of service of the said several officers now acting in the district wherein the said village is situated, shall expire and be terminated on the day when the said several officers elected by the inhabitants of the said village under this act, shall be duly qualified to enter upon the performance of their duties.

Also a road district.

XI. *And be it further enacted*, That the said Village of Delhi, be and the same is hereby constituted a road district, and is exempted from the superintendence and jurisdiction of the commissioners of highways of the town of Delhi, and the trustees of the said village shall have all the powers over the said road district, and discharge all the duties which by law are given to or enjoined upon the said commissioners of highways, and be subject to the like restrictions and appeals; and it is hereby declared lawful for the inhabitants of the said village, at their first meeting as herein before provided for, and at their future annual meetings, to choose one overseer of highways, which overseer shall have all the powers and discharge all the duties which by law are given to and enjoined upon other overseers of highways in the said town, and shall also be subject to such regulations and perform such duties as may be enjoined by the by-laws of the said village, and he shall give in his lists and be accountable to the said trustees, in the same manner as other overseers are bound by law to do, to the town clerk, and to the commissioners of highways.

Equal liberties.

XII. *And be it further enacted* That the limits of the liberties

of the gaol of the county of Delaware, are hereby extended so as to include the whole of the said village incorporated by this act.

XIII. *And be it further enacted*, That this act shall be deemed This a public act. a public act in all courts and places whatsoever.

CHAP. CXIII.

AN ACT for establishing and regulating a Ferry across the North River, in the town of Phillips, in the county of Putnam.

Passed March 16, 1821.

I. *BE it enacted by the People of the State of New-York*, H. Garrison's right of ferriage, &c. *represented in Senate and Assembly*, That it shall and may be lawful for Harry Garrison, of the town of Phillips, in the county of Putnam, his heirs and assigns, to set up, keep and maintain a ferry across the North River, from the land of the said Harry Garrison, in the said town of Phillips, and county of Putnam, to any convenient place on the west shore of the said river, in the county of Orange, for and during the term of twelve years, from and after the passing of this act.

II. *And be it further enacted*, That the court of common pleas of the said county of Putnam, at their next session after the passing of this act, and as often thereafter as they shall deem necessary, shall order, direct and determine the several rates of ferriage for crossing at the said ferry, and the hours in each day that the boats of said ferry shall be kept in readiness. Rates of ferriage.

III. *And be it further enacted*, That if the said Harry Garrison, his heirs or assigns, during the continuance of this act, and the time limited by the said court, for the said boats to be kept in readiness to cross, shall unnecessarily hinder or retard any person in crossing at the said ferry, or shall refuse or neglect to cross with any person, or such goods or chattels as can be conveniently transported across the said ferry, or if the said Harry Garrison, his heirs or assigns, or any person employed by him or them, shall take, exact or receive any greater or higher rates of ferriage, for transporting persons, goods or chattels, or other things whatsoever, than shall be by the court of common pleas aforesaid limited or established, the person so offending shall for every such offence forfeit and pay the sum of five dollars, to be recovered with costs of suit, in any court having cognizance thereof, by any person who shall sue for the same. Penalty for delay, hindrance, &c. in ferry.

IV. *And be it further enacted*, That if any person or persons other than the said Harry Garrison, his heirs or assigns, shall, after the said Harry Garrison shall have furnished and provided himself with the necessary boats aforesaid, and whilst the same are continued, and the said court shall have determined on the rates of ferriage, transport any person or persons, goods or chattels across the North River, for hire or pay, between the north point of Constitution island and the north point of Conshook island, such person or persons shall for every such offence forfeit and pay the Penalty on person's intruding on H. Garrison's right.

sum of five dollars, to be recovered with costs, in any court having cognizance thereof, by any person who shall sue for the same : *Provided always*, That nothing herein contained shall be so construed as to prevent any person or persons from carrying or transporting themselves, their goods, chattels or effects, within the limits aforesaid, without paying any ferriage therefor.

Power of
court to va-
cate H. Gar-
rison's privi-
lege.

V. *And be it further enacted*, That if it shall at any time appear to the said court, upon sufficient evidence, that the said Harry Garrison, his heirs or assigns, shall refuse or neglect to comply with the true intent and meaning of this act, in keeping and maintaining the said ferry, it shall and may be lawful for the said court to adjudge and determine that the said Harry Garrison, his heirs and assigns, have forfeited all right under this act, and thereupon this act shall cease and become void, and of no force or effect whatsoever.

CHAP. CXIV.

AN ACT to enable the Bank of New-York to buy and hold Stock, and to enable Banks to subscribe to Canal Loans.

Passed March 16, 1821.

New-York
bank may
hold stock in
this state.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for the president, directors and company of the bank of New-York to accept and hold certificates of stock created by any act of this state, for any loans now made or to be made, bearing such interest as may be provided by law ; and also to sell and assign the whole or any part of the said stock in like manner as their other estate or property, any thing in the act incorporating the stockholders of the bank of New-York to the contrary notwithstanding : *Provided however*, That the authority above expressed shall cease and be void on the first day of January, one thousand eight hundred and twenty-three : *And further*, That the said bank shall not at any one time own or hold, (unless by way of pledge,) such an amount of said stock as with the amount of debt due from the state to the said bank, and the amount of United States stock held by said bank, shall exceed the debt due from the said bank to the state,

Provisy.

Any bank
may sub-
scribe to
loans within
this state.

II. *And be it further enacted*, That in order to remove any doubts which may exist on the subject, it is hereby declared that it shall be lawful for any bank within this state to subscribe to any loan which may be required by the commissioners of the canal fund, and from time to time to sell and dispose of the stock which they may receive for any such loan, any clause, matter or thing in the act incorporating such bank to the contrary notwithstanding ; and that all subscriptions to any loans created by any act of this state, heretofore made by any of the incorporated banks of this state, are hereby confirmed and declared valid

Former sub-
scriptions
confirmed.

CHAP. CXV.

AN ACT to incorporate the Rhinebeck-Flatts Fire Company,
in the village of Rhinebeck-Flatts.

Passed March 16, 1821.

WHEREAS John P. Faure, John Davis, Casper W. Eddy, Christian Schell, Sidney Wetmore, James Rathbun, and others, by their petition presented to the legislature, have represented that they have associated for the purpose of forming a fire company, and have procured a fire engine by voluntary contribution, to protect the property of the inhabitants of the village of Rhinebeck-Flatts, from the ravages of fire, and the better to effect the object of their association, have prayed to be incorporated. Therefore,

I. *BE it enacted by the People of the State of New-York,* Preamble.
represented in Senate and Assembly, Corporation That the said John P. Faure, John Davis, Caspar W. Eddy, Christian Schell, Sidney Wetmore, James Rathbun, and their associates, be and hereby are constituted a body politic and corporate, by the name and description of the Rhinebeck-Flatts Fire Company, and by that name shall have perpetual succession, sue and be sued, defend and be defended, in all actions, matters and things whatsoever, have a common seal and change the same at pleasure, purchase, take, hold and convey any estate, real and personal: *Provided,* Style and general pow-
ers. such estate at the time of acquiring the same, shall not exceed one thousand dollars, and shall be necessary to effect the object of said incorporation, and shall have power and authority, from time to time, to pass, make and ordain all such by-laws and ordinances, regulating the concerns of said company, the conduct and duty of their members, officers, agents and servants, respectively, the manner of admitting members in the said company, convening and holding meetings of said company, and all other matters relative to the said company, and the management of the property thereof, as to them seems proper, and shall not be inconsistent with the constitution and laws of this state or of the United States. Provisi-
on.

II. *And be it further enacted,* That the said fire company shall consist of thirty members, and no more, who shall reside in the village of Rhinebeck-Flatts, and while they continue members of the same company shall be exempt from serving in the militia. Thirty mem-
bers, and ex-
empt from
militia duty.

III. *And be it further enacted,* That the several members of said company shall annually, on the first Monday in June, in each year, at such place in the village of Rhinebeck-Flatts, as the majority of them shall direct, by plurality of votes, elect one of their members to be the captain of said company, one other of the members to be treasurer, one other of the members to be secretary of their company, who shall severally continue in office for one year; and the captain so chosen, shall have power to call meetings of said company whenever he shall think proper, for any purposes connected with the objects of said corporation. Captain.
Treasurer.
Secretary.

IV. *And be it further enacted,* That the grant, provision, and every thing in this act contained are upon the express condition, that the said Rhinebeck-Flatts fire company shall and do keep the fire engine and apparatus, now belonging to said compa- Corporation
to have
charge of
fire-engine,
&c. and their
duties.

ny, in good and sufficient repair, with its necessary tackle and apparatus, to aid in the extinguishment or prevention of such fires as may happen in said village; and in case the same company shall not keep the fire engine now belonging to said company, in good and sufficient repair, or shall for the space of six months, at any time, not have and possess, at some suitable place in said village, a good and sufficient engine, with its necessary tackle and apparatus, in good and sufficient repair, to aid in the extinguishment of such fires as may happen in said village, the said incorporation shall be dissolved, and the power, privileges and exemptions hereby granted cease and be null and void, any thing in this act contained to the contrary notwithstanding.

Evidence of
membership.

V. *And be it further enacted*, That a certificate under the common seal of said company, signed by the captain thereof, shall be deemed and taken in all places as competent evidence that the person to whom it is given is a member of said company, and entitled to all the privileges and exemptions in and by this act granted to the members of the same company.

CHAP. CXVI.

AN ACT to divide the town of Cato, in the county of Cayuga.

Passed March 16, 1821.

Victory erected.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That from and after the passing of this act, all that part of the town of Cato, in the county of Cayuga, beginning at the northwest corner of said town, thence east on the north line of said town to the northeast corner of lot number six in said town, thence south to the southeast corner of lot number sixty-seven, thence west to the west line of the town, thence north to the place of beginning, be set off from the said town of Cato, and be erected into a separate town by the name of Victory, and that the first town meeting shall be held at the house of Simon Lathrop, in said town; and that all that part of the said town of Cato, beginning at the northeast corner of lot number six in said town, thence to the northeast corner of said town, thence south to the northeast corner of lot number seventy-three, thence west to the northwest corner of said lot number seventy-three, thence south to the southwest corner of said lot number seventy-three, thence west to the southeast corner of lot number sixty-seven, thence north to the place of beginning, be set off from the said town of Cato, and be erected into a separate town by the name of Ira, and that the first town meeting in said town of Ira shall be held at the house of Israel Phelps, in said town; and that all that part of the said town of Cato, beginning at the southwest corner of the above named town of Victory, thence east to the northeast corner of lot number seventy-nine, thence south to the line of lot number ninety-four, thence west to the northwest corner of said lot number ninety-four, thence south to the southwest corner of the same lot, thence east to the line between lots number six and seven, formerly the township of Brutus, now Ca-

Ira.

to, thence south to the line of lot number thirty-nine, thence west to the northwest corner of said lot, thence south to the Seneca river, thence along the middle of said river to the southwest corner of said town of Cato, thence north to the place of beginning, be set off from the said town of Cato, and be erected into a separate town by the name of Conquest, and that the first town meeting in said town be held at the house of Jeremiah V. R. Perkins, in said town; and that all the residue of the territory of the said town of Cato be and remain a town, by the name of Cato, and that the first town meeting in said town be held at the house of Abner Hollister, in said town. Conquest.

II. *And be it further enacted*, That the supervisors, justices of the peace, and overseers of the poor, within the said towns of Victory, Ira, Conquest, and Cato, shall meet on the second Tuesday of May next, at the house of David Wallace, in the said town of Cato, and divide the poor and all monies belonging to the original town of Cato, and make such further arrangements relative thereto as justice may require; and that the present commissioners of common schools in said town of Cato, shall hold their offices until they shall have distributed the money which shall come [into] their hands before the first Tuesday in April next, and shall distribute said money in the same manner as if this act had not been passed. Poor and poor money.

CHAP. CXVII.

AN ACT to amend an act, entitled "*An act to amend an act for the Relief and Settlement of the Poor.*"

Passed March 16, 1821.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That no constable acting under the authority of a warrant issued by any two justices of the peace, of any city or town within this state, for the removal of any pauper, shall be subject to the penalty imposed by the fourth section of the act, entitled "*An act to amend the act for the relief and settlement of the poor,*" passed April 5, 1817: *Provided*, That nothing in this act shall affect any suit already commenced, for recovery of any penalty incurred under the said section. Constables.

II. *And be it further enacted*, That no person in the naval or military service of the United States, while stationed, employed, or remaining in such service, at any navy yard, post, contingent, arsenal, or other place or station, or naval or military depot, in any city or town in this state, shall gain any settlement in any such city or town, by reason thereof, unless he or she shall have gained such settlement in the manner directed by the second section of the act, entitled "*An act to amend the act for the relief and settlement of the poor,*" passed April 5, 1817, any former law to the contrary notwithstanding: *Provided*, That nothing herein contained shall affect or alter the place of settlement of any such person, at and immediately preceding the time of enlistment or service aforesaid. Persons in the U. S. service.

Charges.

III. *And be it further enacted*, That all charges and accounts for services rendered by any justice of the peace, under the act for the relief and settlement of the poor, shall be audited and allowed by the boards of supervisors, in like manner as other contingent charges of counties and towns are audited and allowed, and shall not be paid out of the funds for the support of the poor.

Certain poor
how to be
supported.

IV. *And be it further enacted*, That the father and grandfather, mother and grand-mother, being of sufficient ability, of any poor, blind, lame, or decrepit person whomsoever, not being able to maintain himself, and becoming chargeable to any city or town within this state; and the children and grand-children, being of sufficient ability, of every poor, old, blind, lame, and impotent person, not being able to maintain himself, and becoming chargeable as aforesaid, shall respectively, at their own charge and expense, relieve and maintain every such poor person, in such manner as the justices of the peace of the city or county where such sufficient person shall dwell, at their general sessions of the peace, shall order and direct, on pain of forfeiting and paying a sum not less than one dollar and twenty-five cents, nor more than three dollars, for each person so ordered to be relieved, for every week such order shall not be obeyed, to be sued for and recovered, with costs of suit, by the overseers of the poor of the city or town to which such poor person shall be chargeable, for the use of the poor of such city or town, in the manner directed in the act, entitled "An act for the relief and settlement of the poor, with respect to costs and charges upon an appeal;" and that if any such order shall be made as aforesaid, against one or more of the children, or grand-children aforesaid, it shall and may be lawful for such child or children, grand-child or grand-children, to recover against the other children or grand-children, being of sufficient ability as aforesaid, of such poor, old, blind, lame, or impotent person, his, her, or their share of the money so ordered and directed to be paid by virtue of this act.

CHAP. CXVIII.

AN ACT in addition to the act for the relief the Heirs of Peter Otsequette.

Passed March 19, 1821.

Secretary,
treasurer, and
attorney-
general to re-
lease a cer-
tain tract.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the secretary, the treasurer, and the attorney-general of this state, as trustees for George Hill and Jenny Hill, infant children of the late daughter of Peter Otsequette, deceased, and as guardians for them, in their behalf, to execute, in due form of law, a deed or instrument in writing, surrendering and releasing to the people of this state all the interest, right, title, claim and demand, of the said George Hill and Jenny Hill, into and upon the trust estate created by the act, entitled "An act for vesting a certain tract of land in trustees for the benefit of Peter Otsequette," passed March 18, 1791, and such deed shall be and the same is hereby

declared valid and effectual in the law, and upon the same being duly filed and recorded in the office of the secretary of this state, the person administering the government of this state shall thereupon direct the comptroller to draw his warrant on the treasurer in favour of the said George Hill and Jenny Hill, for the sum of one hundred dollars, to be paid immediately, and also for the sum of one hundred dollars, to be paid on the fifteenth day of June next, and annually hereafter in favour of the said George Hill and Jenny Hill during their lives, for the annuity of forty-eight dollars, which sum shall be paid out of monies not otherwise appropriated, at the time and in the manner when other annuities due to the Onondaga nation of Indians are by law directed to be paid.

200d. payable to G. & J. Hill, and 48 dolls. yearly during their lives.

CHAP. CXIX.

AN ACT to amend the act, entitled "*An act to incorporate the Cohecton Bridge Company.*"

Passed March 23, 1821.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That it shall not be lawful for any person or persons to erect any ferry across the Delaware river within two miles north or south of said bridge, or to open any communication to the said river, on the east side thereof, within the said two miles, for the purpose of evading the payment of the toll of the said bridge, and that if any person or persons shall wilfully pass said river, within the said distance, without paying the toll of said bridge, such person or persons shall forfeit and pay a fine of one dollar each, for each and every offence, to be recovered by the treasurer of the said corporation, to their use, in an action of debt: *Provided always,* That such fine shall not extend to persons residing within the aforesaid two miles, and not exceeding one mile from the said river, who shall pass the same in their own boat, or other conveyance.

Ferries prohibited within certain limits.

Penalty.

Proviso.

II. *And be it further enacted,* That it shall and may be lawful for the president and directors of the said company to demand, receive and take, for the use of the said corporation, a toll not exceeding twenty-five cents for every one horse waggon, hung on jacks, springs, or thorough braces, any thing in the eleventh section of the act hereby amended notwithstanding.

Toll.

III. *And be it further enacted,* That it shall and may be lawful for the said president and directors to erect a gate and receive toll at or near the west end of said bridge, or at or near the east end thereof, at the election of the said president and directors.

Gate.

IV. *And be it further enacted,* That the seventh section of the act hereby amended, be and the same is hereby repealed.

Section repealed.

CHAP. CXX.

AN ACT to annex a part of the Town of Greene, in Chenango County, to the Town of Oxford.

Passed March 23, 1821.

Not annexed described. **BE** it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the day preceding the first Tuesday of March next, all that part of the town of Greene, in the county of Chenango, described as follows, beginning at the northeast corner of the town of Greene, and the southeast corner of the town of Smithville, thence on the division line between the towns of Greene and Smithville, west three hundred and four rods to the west line of Zophar Betts' farm, thence south to the line of the town of Coventry, thence east on the line between the towns of Greene and Coventry, to the west line of the town of Oxford, be and hereby is annexed to the town of Oxford.

CHAP. CXXI.

AN ACT to incorporate the New-York Nautical Institution and Ship Master's Society.

Passed March 23, 1821.

Preamble. WHEREAS Samuel C. Reid, Alexander Thompson, Isaac Waite, John G. Collins, John Buckley, Freeman Allen, Thomas B. Vermilye, and others, have petitioned to be incorporated and constituted a body politic, for the purpose of promoting nautical skill and knowledge, adding to the acquisitions of natural science, and affording aid and relief to unfortunate ship masters, and to their widows and orphans when left in a destitute condition : Therefore,

Corporation created. **I.** **BE** it enacted by the People of the State of New-York, represented in Senate and Assembly, That Samuel C. Reid, Alexander Thompson, Isaac Waite, John G. Collins, John Buckley, Freeman Allen, Eliab Fisher, George Bunker, Thomas B. Vermilye, Jonathan Eldridge, together with all others, who are, or may be hereafter associated with them, be and they are hereby constituted a body politic and corporate for ever, by the name of the " New-York Nautical Institution and Ship Master's Society ;" and by that name it may sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places whatsoever, in all actions, real, personal and mixed ; and the said corporation shall have full power and authority to make, have and use a common seal, and the same may break, alter and renew at pleasure, and shall have and enjoy all the privileges, immunities and powers, incident to corporations of a similar nature.

Style and general powers.

II. *And be it further enacted*, That the said corporation be ^{Power to hold estate.} and the same is hereby made capable in law to receive, hold and enjoy, to them and their successors, any real estate in fee simple, or for term of life or lives, or otherwise, and any goods, chattels, or personal estate, for the purpose of enabling them the better to carry into effect the benevolent purpose of affording relief to the indigent and distressed : *Provided*, the clear yearly value of ^{Proviso.} such real and personal estate shall not exceed the sum of five thousand dollars.

III. *And be it further enacted*, That all the affairs, concerns, ^{Officers of corporation.} and business of the association, shall be managed and conducted by or under the direction of the following officers, to wit : one president, two vice-presidents, a standing committee, consisting of nine persons, three or more inspectors of journals, one treasurer, one secretary, and one counsellor. who shall be annually elected by the members of the institution, at such times as the society may deem expedient ; and until the first Thursday of January, ^{How chosen.} in the year of our Lord one thousand eight hundred and twenty-two, the following named persons shall compose the officers of the said institution,—Samuel C. Reid, president ; Alexander Thompson, first vice-president ; Isaac Waite, second vice-president ; John G. Collins, treasurer ; John Buckley, secretary ; Samuel C. Reid, ^{First officers.} Freeman Allen, Isaac Waite, John G. Collins, Eliab Fisher, George Bunker, Thomas B. Vermilye, John Buckley, and Jonathan Eldridge, standing committee ; Isaac Waite, John G. Collins, and Freeman Allen, inspectors of journals ; and Charles G. Haines, ^{By-law.} counsellor.

IV. *And be it further enacted*, That the officers aforesaid shall have power to make all by-laws, rules and regulations for the government of said institution, that they may deem expedient and necessary, not inconsistent with the laws of this state and the laws and constitution of the United States : *Provided however*, That said corporation shall neither directly nor indirectly, deal or trade in buying or selling any goods, wares or merchandizes, or be concerned in any business of banking.

CHAP. CXXII.

AN ACT to amend an act entitled “ *An act to extend the Gaol Liberties of the County of Genesee, passed February 2, 1821.*”

Passed March 28, 1821.

WHEREAS in the description of the west line of the gaol ^{Preamble.} liberties, in the act hereby amended, the northeast corner of the village plot of the village of Batavia, was inserted through mistake, instead of the southwest corner. Therefore.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the west line of the said liberties shall extend from the northwest corner to the southwest corner of said village plot in the village of Batavia ; and that so much of the act hereby amended, as declares that the said line shall ^{West line of limits extended.}

extend from the northwest to the northeast corner, be and the same is hereby repealed.

CHAP. CXXIII.

AN ACT *respecting the Gospel and School Lot in the Town of Oswego.*

Passed March 23, 1821.

Gospel and school lot may be leased in perpetuity.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That the supervisor and two commissioners, or a majority of them, of the town of Oswego, in the county of Oswego, under the "Act relative to the lots of land reserved for the support of the gospel and schools in the counties of Onondaga, Cayuga and Seneca," passed April the 3d, 1807, may and they are hereby authorised to lease the gospel and school lot in said town, by durable leases, under such conditions and reserving such rents to be paid annually as they shall deem most beneficial to the said town: *Provided,* The freeholders and inhabitants of said town at any annual town meeting shall so direct.

Proviso,

Rents how applied.

II. *And be it further enacted,* That the rents issues and profits of the aforesaid land, shall be applied according to the act above mentioned, and the act therein referred to.

CHAP. CXXIV.

AN ACT *authorising the erection of a Bridge across the West Branch of Hudson's River at Denton's Ferry.*

Passed March 23, 1821.

Commissioners appointed & their duty.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That Joseph Spier, Elisha Coleman, Elisha Foot, Rufus Wood, Samuel A. Gilbert, Russell Wells, Paris G. Clark, Oliver Rice and Daniel Potter, be and they are hereby appointed commissioners to superintend building of a bridge across the west branch of Hudson's river, at Denton's ferry, in the town of Northampton, who or a majority of them are hereby authorised to receive and apply all monies now appropriated and that may hereafter be appropriated for that purpose, by the county of Montgomery, the said town of Northampton, or by any other town.

Subscriptions to be opened.

II. *And be it further enacted,* That it shall and may be lawful for the said commissioners or a majority of them to open subscriptions for voluntary contributions, to raise by one or more instalments, as shall be specifically set forth in such subscription or subscriptions, such [further and other sum] or sums of money, labor and materials, as may together with appropriations as aforesaid, be necessary to complete the said bridge, and to ask, demand, sue for and recover the same as they may become due: *Provided however,* That the said commissioners cause the said bridge to be

Proviso,

built in the manner aforesaid, within five years next after the passage of this act.

III. *And be it further enacted*, That the said commissioners shall, before they receive such appropriations as aforesaid, execute such bond or bonds, with such surety or sureties as the supervisor of Northampton for the time being shall approve, ^{Commissioners to give bonds.} conditioned for ^{Condition.} the faithful and seasonable application of all such monies and other materials as shall come into their hands by virtue of this act.

IV. *And be it further enacted*, That the said commissioners when thereunto required, shall account to the board of supervisors of the county of Montgomery, who may allow them, in the settlement of their accounts, such compensation as they shall deem proper for their services under this act, and to whom they shall pay ^{Commissioners to account} over the balance, if any remains in their hands, after completing ^{And pay over balance.} the said bridge, for the use of the said county.

CHAP. CXXV.

AN ACT concerning the Starr Manufacturing Company.

Passed March 23, 1821.

WHEREAS the Starr Manufacturing Company were duly in- ^{Preamble.} corporated under the general act for incorporating manufacturing companies in this state, on the 1st day of December, 1814, and at that time filed their notice in the office of the secretary of state, making the stock of said company to consist of twenty thousand dollars of five shares of four thousand dollars each, since which time viz. on the 8th July, 1816, for the purpose of facilitating their operations and placing their stockholders on an equal relation with each other, varied the amount of each share without altering the amount of capital, and whereas doubts have arisen, whether by law the said alteration of the amount of a share in the said stock was authorised by their act of incorporation. Therefore,

BE it enacted by the People of the State of New-York, re- ^{Certain proceeding confirmed.} *presented in Senate and Assembly*, That the proceedings of the said Starr Manufacturing Company, in changing the amount of a share in said company from four thousand to one thousand dollars, and leaving their capital to consist of the original amount of twenty thousand dollars, be and hereby is confirmed, and that hereafter the said stock shall consist of twenty shares of one thousand dollars each.

CHAP. CXXVI.

AN ACT relative to the Geneva Friendly Society.

Passed March 23, 1821.

BE it enacted by the People of the State of New-York, re- ^{Lot & certain personal property conveyed.} *presented in Senate and Assembly*, That the Geneva Friendly Society be and are hereby authorised and empowered to convey their lot of land in the village of Geneva, to the "First society of

Former act
repealed.

the Methodist Episcopal church in the village of Geneva," and their successors, as a site whereon to erect a church, and also to give and transfer their personal property to aid in the erection of said church; and that the act incorporating the said Geneva Friendly Society be and the same is hereby repealed.

CHAP. CXXVII.

AN ACT for the relief of the Trustees of the Presbyterian Society in the south part of Pittstown, and the Trustees of the United Dutch and Presbyterian Society in the north part of Pittstown, in the County of Rensselaer.

Passed March 23, 1821.

Preamble.

WHEREAS the said societies have a common interest in a building, which before their division was erected by the members thereof for a place of religious worship. Therefore,

Certain materials may
be sold.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be lawful for the trustees of the aforesaid societies to sell and dispose of the materials of the first above mentioned building, and to apply the proceeds of the sales thereof in equal proportions to the payment of the debts owing by each of the said societies.

Proceeds
how applied.

CHAP. CXXVIII.

AN ACT to amend certain Acts, whereby Oaths of Office are required or imposed.

Passed March 23, 1821.

Preamble.

WHEREAS the multiplication of oaths, without absolute necessity, has a direct tendency to impair the reverence due to them, and to produce consequences unfavorable to the morals and good order of society; and whereas certain oaths of office, required by the laws of this state, are either unnecessary in themselves, or rendered useless by the change of those circumstances which formerly required them. Therefore,

Overseers of
highways.

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That it shall be the duty of each and every person, who shall hereafter be chosen to the office of overseer of highways in any town of this state, to transmit or deliver to the clerk of the town for which such person shall be chosen an overseer of highways, within fifteen days after such election, a notice in writing, signifying his acceptance of such office; and that if any person so chosen shall neglect or refuse so to signify his acceptance within fifteen days as aforesaid, such neglect shall be deemed a refusal to serve in such office, and the city or town in which such officer was chosen, may thereupon proceed to a new choice according to law; and in every such case, such person so refusing to take upon himself such office, shall forfeit and pay the

sum of twelve dollars and fifty cents, to be recovered with costs, before any justice of the peace, by action of debt, in the name of the overseers of the poor of the town for which such officer was chosen, for the use of the poor of such town.

II. *And be it further enacted*, That so much of the seventh and the tenth sections of an act entitled "An act relative to the duties and privileges of towns," passed March 19, 1813, as requires an oath of office from the overseers of highways in the several towns of this state, or imposes a penalty for neglect or refusal to take and subscribe such oath, be and the same is hereby repealed.

Part of former act repealed.

III. *And be it further enacted*, That every person who shall be hereafter chosen to the office of commissioner or inspector of common schools, in any town of this state, according to the provisions of an act entitled "An act for the support of common schools," passed April 12, 1819, shall, before he enters upon the execution of his office, and within fifteen days after his election, subscribe and transmit or deliver to the clerk of the town for which he shall be chosen a commissioner or inspector of common schools, a notice in writing signifying his acceptance of such office; and if any person so chosen, shall not transmit or deliver such notice of his acceptance, such neglect shall be deemed a refusal to serve in such office, and if any person so chosen to such office, shall refuse to serve therein, then, and in every such case, such person shall forfeit and pay the sum of ten dollars, to be recovered with costs of suit, before any justice of the peace having jurisdiction thereof, by action of debt, to the use of common schools of the town for which such officer was chosen or appointed as aforesaid, to be paid to the commissioners of such schools; and it shall be the duty of the supervisor of such town to prosecute for such penalties in his own name, and to pay the same when recovered to such commissioners.

Commissioners or inspectors of common schools.

IV. *And be it further enacted*, That so much of the tenth section of an act entitled "An act for the support of common schools," passed April 12, 1819, as requires any oath to be taken by any person hereafter to be chosen a commissioner or inspector of common schools, or imposes any penalty for the neglect or refusal to take such oath, be and the same is hereby repealed.

Part of former act repealed.

IV. *And be it further enacted*, That so much of the first section of an act entitled "An act concerning oaths," passed February 25th, 1813, as requires that every person who shall hereafter be elected a member of the senate or of the assembly of this state, before he takes his seat, and every person who shall hereafter be elected governor or lieutenant-governor of this state, and every person hereafter to be appointed to any office, civil or military, before he enters upon the execution of his office or trust, to take and subscribe the oath of allegiance and abjuration therein set forth, be and the same is hereby repealed.

Oath of allegiance to be omitted.

CHAP. CXXIX.

AN ACT for the relief of Samuel A. Gilbert.

Passed March 23, 1821.

S. A. Gil-
bert's mort-
gage to be
cancelled on
furnishing ri-
fles, &c.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That if Samuel A. Gilbert shall cause to be delivered to the commissary-general of this state, at the arsenal in the city of Albany, rifles of the first quality to the amount of five thousand eight hundred and forty-three dollars and six cents, and the interest on five thousand dollars from the first day of March, one thousand eight hundred and twenty-one, at their wholesale cash value, within two years from the passage of this act, and shall procure and deliver to the comptroller a certificate from the commissary-general, whose duty it shall be to give the same upon receiving the rifles, certifying that the said Samuel has delivered at the arsenal in the city of Albany, rifles to the amount and of the quality above mentioned; it shall be the duty of the comptroller to cancel the mortgage given by the said Gilbert to the people of this state, securing the payment of the loan of five thousand dollars made to Smith Cogswell, and to deliver up the bond given as collateral security.*

Legal pro-
ceedings
stayed.

Revised.

II. *And be it further enacted, That all proceedings both at law and in equity, against the said Gilbert, for the collection of the money due upon the said bond and mortgage, be stayed: Provided, He shall deliver the rifles according to the first section of this act.*

CHAP. CXXX.

AN ACT to amend the act, entitled "*An Act for the partition of Lands,*" passed April 12, 1813.

Passed March 23, 1821.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the justices of the supreme court of judicature of the state of New-York, and for the judges of the several courts of common pleas in the respective counties in this state, in all actions now depending or hereafter to be commenced in any of the said courts, either before or after trial of any issue in partition upon the plea of non timent in simul, to permit the petitioner or petitioners, in any proceedings under the act hereby amended, so to amend his, her or their petition and all the subsequent proceedings, as to make the person who shall appear to be the owner as tenant in common, in joint tenancy, or in coparcenary, by any deed or grant, in the whole or in part, of any person who is or may be a defendant in such partition, a defendant; and so to amend the petition of the petitioner or petitioners, as to represent his, her or their rights truly as the fact may be, on motion to be made for that purpose, in the same manner as parties are admitted in chancery in cases of partition; and for this purpose the jury on the tri-

of any issue in partition, shall specially find the facts, and they shall be certified to the court by the clerk, and upon such terms as the said courts may respectively direct; and thereupon to give and pronounce judgment, according as the right may appear upon the petition so amended, any thing in the act hereby amended to the contrary notwithstanding.

CHAP. CXXXI.

AN ACT to lay out and improve certain Roads therein mentioned.

Passed March 23, 1821.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That Jacob Redeker and John H. Gregory be, and they are hereby appointed commissioners to lay out and improve a road, from near the house of John Radeker, in the town of Colchester, to the Beavers kill, in the town of Rockland, and from thence to alter and improve the road (already laid out) to the intersection of the Ulster and Orange branch turnpike road in the town of Liberty, in Sullivan county, in the nearest direction and on the best ground the country will admit: *Provided,* That the laying out of such road shall not materially affect any building or other improvement on the route to be established by such commissioners, without the consent of the owner or owners thereof, and the same when laid out shall be deemed a public highway, and the said commissioners before they enter upon the duties required of them by this act, shall take and subscribe an oath before a justice of the peace, faithfully and impartially to discharge the duties required of them by this act, and cause the same to be filed in the office of the town clerk where said commissioners shall reside, and that they shall after laying out said road, cause to be made an accurate map of the survey of the same, and with the field notes of the said survey to be filed in the clerks office of each town through which the said road shall be laid out; and that the said commissioners before they enter upon the duties required of them by this act, shall execute a bond with surety to the people of this state, to be approved of by the comptroller, conditioned that they shall faithfully discharge the duties required of them by this act.

Commissioners appointed

Provide.

Oath to be taken.

Bonds to be given.

II. *And be it further enacted,* That the treasurer pay, on the warrant of the comptroller, to the said commissioners, the sum of one thousand dollars, to be expended for the purpose and in the manner mentioned in the first section of this act: *Provided,* That the comptroller shall not draw his warrant for the said one thousand dollars, until it shall be satisfactorily proved to him that the like sum shall have been previously raised by subscription or individual donation, and actually paid the said commissioners, for the laying out and improving the said road specified in the said first section of this act.

1000 dolls. to be paid them out of the treasury.
Provide.

III. *And be it further enacted,* That the said commissioners shall account with the comptroller for the expenditures in making and improving said road, and for any subscription or donation

Commissioners to account with comptroller.

Their pay.

which may be made for that purpose within two years from and after the passing of this act, and that each of the said commissioners shall be entitled to receive one dollar for every day actually employed in performing the duties required by this act, to be allowed to the said commissioners out of the monies which they shall receive by virtue of this act.

750 dolls. to be paid Amos Bristol and Erastus Root.

How applied

Proviso,

IV. *And be it further enacted*, That the treasurer, on the warrant of the comptroller, pay to Amos Bristol and Erastus Root, a sum not exceeding seven hundred and fifty dollars, and equal to what may be paid or well secured to be paid to the said commissioners, and to the satisfaction of the comptroller, by individual contribution, the whole to be by them applied in the improvement of a road from the northwest line of lot number ten in Whitesborough patent, to the Susquehannah turnpike in the town of Meredith: *Provided*, That no such sum shall be paid from the treasury until the said commissioners shall execute to the people of this state a bond with approved security in double the amount of the said sum, conditioned that they shall well and faithfully apply the said money in conformity with the provisions of this act, and shall account with the comptroller for the proper expenditure thereof whenever thereunto required by him.

CHAP. CXXXII.

AN ACT authorising the Commissioners of Highways in the Town of Potsdam, to take and hold certain Lands therein mentioned.

Passed March 23, 1821.

Preamble.

WHEREAS Garret Van Horn, Esq. proprietor of the town of Potsdam, has laid out a public square of about four acres of land, in the village in said town, which he is willing to convey to the use of the inhabitants of said town, when a person or persons shall be authorised by law to take a deed thereof. Therefore,

Commissioners of highways to receive a conveyance in trust, &c.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the commissioners of highways in and for said town of Potsdam and their successors in office, be and they are hereby authorised to take and hold the title to said four acres of land or any part thereof, for the use and benefit of the inhabitants of said town for ever, with such provisions respecting the using and occupying said land, as shall be expressed in the deed conveying the same to the said commissioners.

CHAP. CXXXIII.

AN ACT to incorporate the Kent and Carmel Turnpike Road Company, in the county of Putnam.

Passed March 23, 1821.

I. *BE it enacted by the People of the State of New-York,* ^{Corporation created.} *represented in Senate and Assembly, That Rowland Bailey, Ebenezer Boyd, Bennet Boyd, Walker Todd, Abijah Youmans, Samuel Washburn, Judah Kelley, Lewis Williams, and all such persons as shall associate for the purpose of making a good and sufficient turnpike road, to begin at or near the house of Ebenezer Boyd, in the town of Kent, in the county of Putnam, and to run from thence, the most eligible route, to or near the court-house of said county, in the town of Carmel, shall be and hereby are created a body corporate and politic, by the name of "The Kent and Carmel Turupike Road Company;" and they are hereby constituted and declared a body politic, in fact and in name, and by that name they and their successors shall and may have perpetual succession, and are hereby declared capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever; and also may make and use a common seal, and may alter the same at pleasure; and also that they are hereby made capable in law of purchasing and conveying any estate, real and personal, to the amount of five thousand dollars.* ^{Style and general powers.}

II. *And be it further enacted, That the stock of the said company hereby incorporated shall consist of two hundred and fifty shares, of twenty dollars each, and that Rowland Bailey, Ebenezer Boyd, Bennet Boyd, Walker Todd, and Samuel Washburn, are hereby appointed commissioners to receive subscriptions for said stock, in manner directed in and by the act, entitled "An act relative to turnpike companies," passed 13th March, 1807.* ^{Capital stock.} ^{Commis. appointed.}

III. *And be it further enacted, That whereas the whole distance of said road will be about five miles, it shall and may be lawful for said company hereby incorporated to erect on the said road one half toll gate, at which it shall be lawful for the said company to exact and receive from all persons travelling on and using the said road, the following rates of toll, viz. For every waggon or cart, with two horses or oxen, six cents, and three cents for every additional horse or ox; for every one horse waggon, or other carriage, four cents; for every coach, coachee, phaeton, or curricule, with two horses, eighteen cents; for every sulkey, chair, chaise, or other one horse pleasure carriage, nine cents; for every horse and rider, or led horse, three cents; for every sleigh or sled, drawn by two horses or oxen, four cents; for every sleigh or sled, drawn by one horse, three cents, and for every additional horse or ox, one cent; for every score of cattle, horses, or mules, ten cents, and so in a proportion for a greater or less number; for every score of sheep or hogs, four cents, and in like proportion for a greater or less number.* ^{Toll gates.} ^{Toll.}

Usual grant
of power.

IV. *And be it further enacted*, That the company hereby incorporated shall have and enjoy all the rights and privileges which are given and granted by the act, entitled "An act relative to turnpike companies," passed 13th March, 1807, and the act or acts amending the same, and shall be subject to all the conditions, provisions, restrictions, and regulations contained in the said act or acts, except such as are herein excepted: *Provided nevertheless*, That the number of directors for managing the concerns of the company hereby incorporated, shall be five, three of whom shall be a quorum, and capable of managing the business of the said company: *And provided further*, That the chord of the arch of the said road shall not be less than twenty feet.

Proviso.

Further proviso.

CHAP. CXXXIV.

AN ACT to amend the act, entitled "*An act to provide against Infectious and Pestilential Diseases.*"

Passed March 23, 1821.

Cotton may
be shipped
from the quar-
antine
ground, &c.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall at all times be lawful to ship from the quarantine ground, any sound cotton, and to transport the same through the east or north rivers: *Provided*, the vessel having the same on board shall not approach within three hundred yards of any dock of the said city, nor lie at anchor opposite to the said city: *And provided*, any such cotton shall not be landed within the said city; any thing contained in the act hereby amended to the contrary notwithstanding.

Proviso.

CHAP CXXXV.

AN ACT relative to the Stockbridge Indians.

Passed March 23, 1821.

Preamble.

WHEREAS it is represented to the legislature, by the Stockbridge Indians, that they are desirous to remove out of this state, and to aid them in such removal, have solicited the advance to them of the principal of an annuity agreed to be paid by a treaty held in the month of July, one thousand eight hundred and eighteen: Therefore,

1000dolls. may
be paid the
said Indians
on certain
conditions.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That whenever the person administering the government of this state shall be satisfied that the said Stockbridge nation of Indians is about to remove out of this state, it shall and may be lawful for him to advance to the said Indians, or to their authorised agent, out of the principal of the annuity aforesaid, such sum as he shall deem necessary to aid such removal, not exceeding one thousand dollars, which sum shall be paid by the treasurer of this state, out of any monies in the

treasury not otherwise appropriated, on the warrant of the comptroller; and in case the said sum shall be paid to any agent, security shall be required for the faithful application thereof to the purposes mentioned in this act. Security re- quired.

CHAP. CXXXVI.

AN ACT for recording Deeds and other Conveyances, in the counties and towns therein mentioned.

Passed March 23, 1821.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That every deed, conveyance, or other writing, made and executed after the first day of July next, whereby the right or title to any lands or tenements, lying in the counties of Greene, Clinton, Franklin and Delaware, and in the towns of Salisbury, Manheim and Danube, in the county of Herkimer; and in the towns of Onondaga and Salina, in the county of Onondaga; and the towns of Scipio, Aurelius, and Mentz, in the county of Cayuga, may be affected either in law or equity, after being acknowledged or proved, by any of the officers empowered by law to take the acknowledgements of deeds, conveyances, or writings of, and concerning lands, tenements, or real estate, agreeable to the act, entitled "An act concerning deeds," passed April 12th, 1813, and the act, entitled "An act authorising the appointment of commissioners to take the acknowledgement of deeds and special bail, to take affidavits to be read in courts of record, and to restrict the number of masters in chancery," passed March 24, 1818, shall be recorded in the clerk's offices of said counties, in books to be provided by the clerks of the said counties for that purpose, and that every deed, conveyance or other writing, made and executed after the said first day of July, whereby any of the said lands may be affected in law or equity, shall be adjudged fraudulent and void against any subsequent bona fide purchaser or mortgagee, for a valuable consideration, unless the same be recorded, as by this act is directed, before the recording the deed or conveyance, under which such subsequent purchaser or mortgagee shall claim. Deeds, &c. for lands in certain counties & towns to be recorded.

II. *And be it further enacted,* That every deed, conveyance, or other writing of, and concerning any lands or real estate, within the said counties, which shall be entitled to be recorded as aforesaid, shall be recorded in the order, and at the time when the same shall be delivered to the clerks for that purpose, and shall be considered as recorded from the time it was so delivered, and the said clerks shall make an entry in the margin of the record thereof, of the day, month, year, and the time of the day when the same is so recorded, and endorse and sign a certificate, on such deed, conveyance or writing, of the particular time when, and the book and page in which the same is so recorded; and that every deed, conveyance or writing so acknowledged or proved, whether the same be recorded or not, or the record thereof or a transcript of such record, certified by the said clerks, under the seal of the In what order to be recorded.

courts of common pleas, of the counties whereof they are clerks, may be read in evidence, in any court of this state, without further proof thereof.

Not to be recorded unless acknowledged.

III. *And be it further enacted*, That it shall not be lawful for the said clerks to record any deed, conveyance, or writing above mentioned, unless the same shall be acknowledged or proved according to law, and which acknowledgment or proof shall be recorded therewith.

Penalty for neglect.

IV. *And be it further enacted*, That if the said clerks, or any deputies of such clerks, shall be guilty of any neglect, misdemeanor, or fraudulent practice, in the execution of the duties prescribed by this act, he, and every of them, shall, in every such case, be liable to pay treble damages, with the costs of suit, to any party injured thereby, to be recovered by action of debt, or by information, in any court of record in this state.

CHAP. CXXXVII.

AN ACT to rectify certain Errors in the act to amend the "Act to vest certain Powers in the Freeholders and Inhabitants of the Village of Canandaigua."

Passed March 23, 1821.

Powers of trustees as to restraining animals.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the trustees of the village of Canandaigua, or the major part of them, as often as they shall make, ordain and publish any by-laws for restraining animals, may ordain that such animals may be seized and impounded, and after reasonable delay, may be sold at public vendue, to pay the penalties imposed for the violation of any such ordinance, together with costs and charges; and that in all suits brought or to be brought, for the violation of any ordinance of the said trustees, it shall not be an objection to the jurors, or to the officer summoning them, or to any witness, that he or they are inhabitants of the said village, or liable to pay taxes therein.

Trustees not compelled to accept offices, &c.

II. *And be it further enacted* That nothing contained in the fourteenth section of the act hereby amended, shall be so construed as to compel any trustees of the said village to hold and exercise their office, after a majority of other and succeeding trustees shall have taken and subscribed the oath of office as such trustees; and that in case the number of trustees in said village shall at any time be reduced below the number of five, by death, inability or refusal to serve, it shall be the duty of the remaining trustees of said village, to convene a meeting of the inhabitants of said village, qualified to vote, for the purpose of filling such vacancies, and shall cause fourteen days notice of the time and place of such election to be published in the newspapers of the village; and such election shall be conducted in all respects in the same manner as is prescribed by the said act for the annual election of such trustees.

Vacancies how filled.

III. *And be it further enacted*, That it shall be lawful for the trustees of the said village of Canandaigua, from time to time to renew warrants which have been legally issued for the collection of any taxes heretofore assessed by the said trustees or their predecessors, and which taxes are by this act confirmed, and which warrants have remained uncollected, and hereafter to issue new warrants or to renew those which may be issued for the collection of any taxes imposed as aforesaid by virtue of the act hereby amended, or of this act, from time to time, so often as such warrants shall not be returned collected during the time prescribed by law. Provision as to taxes, and warrants therefor.

IV. *And be it further enacted*, That this act is hereby declared to be a public act, and shall be favourably construed in all courts for all beneficial purposes intended by this act : *Provided*, That the same may at any time be modified by the legislature : And that the second, third and fourth sections of the "Act to amend the "act to vest certain powers in the freeholders and inhabitants of the village of Canandaigua," passed April 14th, 1820, be and the same are hereby repealed. Public act.

CHAP. CXXXVIII.

AN ACT granting a building Lot; in the village of Oneida Castleton, to the Hamilton Baptist Missionary Society.

Passed March 23, 1821.

WHEREAS the Hamilton Baptist Missionary Society have purchased of Gardiner Squires all his right and title to lot number four, in block number thirteen, in the village of Oneida Castleton, for the purpose of erecting a dwelling house for the permanent residence of a teacher to instruct the Oneida Indians in reading and writing : Therefore, Preamble.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be the duty of the commissioners of the land-office to issue letters patent to the Hamilton Baptist missionary society, and their successors in office for ever, for lot number four, in block number thirteen, in the village of Oneida Castleton, upon the production and surrender of the certificate of the attorney-general, given to Gardner Squires, upon his purchase of said lot, and of the receipt of the treasurer for all monies paid thereon. Lot to be granted to the society.

CHAP. CXXXIX.

AN ACT to amend the act, entitled "An act authorising the Surveyor-General to lease the State Reservation at the Oswego Falls, and for other purposes."

Passed March 23, 1821.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the surveyor-general Reservation to be leased.

shall have to the first day of June next, to lease the reservation belonging to the people of this state, at the Oswego Falls, and that he shall publish notice of the same in manner as is directed in and by the act hereby amended, for the term of six weeks, and shall in all other respects conform to the provisions of the act hereby amended.

CHAP. CXL.

AN ACT to authorize *Boruck B. Levy* to assume the name of *Levy Bell Boruck*.

Passed March 23, 1821.

Preamble.

WHEREAS Boruck B. Levy, hath, by his petition, prayed that he may be known and recognized by the name of Levy Bell Boruck : Therefore,

B. B. Levy
may assume
the name of
L. B. Boruck

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for Boruck B. Levy, in all courts and places, and in all deeds, contracts, proceedings and instruments whatsoever, to assume, use and take the name of Levy Bell Boruck, and by that name, and no other, the said Boruck B. Levy shall be called and known in law, and be respectively capable of taking, holding, buying, selling, conveying, devising, or otherwise disposing of all or any estate, real or personal, whatsoever, and by that name to make and enter into any agreement, promise contract, or engagement, in like manner as he could have done by the name of Boruck B. Levy, before the passing of this law.

Public act.

II. *And be it further enacted*, That this act is hereby declared to be a public act to all intents and purposes.

CHAP. CXLI.

AN ACT to incorporate the *Manhattan Fire Insurance Company*, in the city of *New-York*.

Passed March 23, 1821.

Preamble.

WHEREAS Isaac Pierson, Ichabod Prall, William Watkinson, Peter H. Schenck, and others, associated as a company, under the name and style of the Manhattan Fire Insurance Company, have, by their petition presented to the legislature, prayed for an act of incorporation, for the purpose of insuring against any loss or damage by fire : Therefore,

Corporation
created.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That all such persons as now are, or hereafter shall be, stockholders of the said company, shall be and they are hereby created a body corporate and politic, in fact and in name, by the name of "The Manhattan Fire Insurance Company;" and by the said name they and their succes-

Style and go-
vernment pow-
ers.

sors shall and may have continual succession, and shall be in law capable of suing and being sued, pleading and being impleaded, defending and being defended, answering and being answered unto, in all courts and judicatures whatsoever and wheresoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and also of contracting and being contracted with, relative to the funds of the said corporation, and the business and purposes for which the said corporation is hereby created as herein after declared, and they and their successors may have a common seal, and may change and alter the same at their pleasure.

II. *And be it further enacted*, That the corporation hereby created, is so created for the purpose, and shall have power and authority to make contracts of insurance with any person or persons, body politic or corporate, against losses by fire of any houses, manufactories, or buildings whatsoever, and of machinery, and of any goods, chattels or personal estate whatsoever, for such term or terms of time, and for such premium or consideration, and under such modifications or restrictions as may be agreed on between the said corporation and the person or persons agreeing with them for such insurance.

Specified powers of corporation.

III. *And be it further enacted*, That the capital stock of the said corporation shall be three hundred and fifty thousand dollars, which shall be divided into shares of fifty dollars each; but it shall nevertheless be lawful for the said corporation, when and so soon as two hundred and fifty thousand dollars of the said capital stock shall have been subscribed and paid for, or satisfactorily secured to be paid, to commence their said business, and with that capital conduct and carry it on, until they shall find it expedient to extend their capital, which they are authorised to do, from time to time, to the amount herein before mentioned.

Capital stock.

IV. *And be it further enacted*, That it shall and may be lawful for the said corporation to purchase and hold such and so much real estate as shall be necessary for their convenient accommodation in the transaction of their business, and also to take and hold any real estate, or securities, bona fide mortgaged or pledged to the said corporation, either to secure the payment of the shares of the capital stock thereof, or to secure the payment of any debt which may be contracted with the said corporation; and also to proceed on the said mortgages, or other securities, for the recovery of the monies thereby secured, either at law or in equity, or otherwise, in the same manner as any other mortgagee is or shall be authorised to do; and also to purchase on sales, made by virtue of any judgment at law, or any order or decree of a court of equity, or any other legal proceedings, or otherwise to receive and take any real estate in payment, or towards the satisfaction of any debt previously contracted and due to the said corporation, and to hold the same until they can conveniently and advantageously sell and convert the same into money or other personal property: *Provided always*, That it shall not be lawful for the said corporation to deal, or use, or employ, any part of the stock, funds or monies thereof, in buying or selling any goods, wares or merchandize, in the way of traffic, or in any banking operations, or the purchase or sale of any stock or funded debt created, or to be created, under any law of the United States, or of any particular state; but it

Corporation to hold real estate, &c.

Mortgages, &c.

To enforce the same.

To purchase on sales by mortgage.

Proviso.

shall nevertheless be lawful for the said corporation to purchase and hold any such stock or funded debt, for the purpose of investing therein any part of their capital stock, funds or monies, and also to sell and transfer the same, and again to renew such investments when and as often as the exigencies, or a due regard to the interests of the said corporation shall require; and also to make loans of the capital stocks, funds or monies, on bonds and mortgages, and the same to call in and reloan as occasion may render expedient.

Directors. V. *And be it further enacted,* That the stock, property, affairs, and concerns of the said corporation shall be managed and conducted by twenty-one directors, who may respectively hold their offices for one year, and until others may be chosen, and no longer; which directors shall, at all times, during their continuance in office, be stockholders in the said company, in their own rights, to the amount of at least twenty shares, and shall be citizens of the United States; and the said directors shall hereafter be elected on the last Monday in March, in each and every year, at such hour of the day, and at such place in the city of New-York, as the board of directors for the time being, shall appoint, of which election public notice shall be given in two of the public newspapers printed in the city of New-York, at least ten days immediately preceding such election; and such election shall be holden under the inspection of three stockholders, not being directors, to be appointed, previously to every election, by the board of directors, and such election shall be made by ballot, and by a plurality of the votes of the stockholders then present, or their proxies, allowing one vote for every share of the said stock; but no share shall entitle the holder to vote, unless the same shall have been held by him at least sixty days next immediately preceding such election; and the first directors shall be, William Few, Jonathan Little, Peter H. Schenck, Isaac Pierson, Halsted E. Haight, Samuel Tooker, Ichabod Prall, Elbert Anderson, Thaddeus B. Wakeman, Jacob T. Walden, John M. Ehrick, Eleazer Lord, Samuel St. John, William Watkinson, John Lang, William F. Mott, James De Wolfe, jun. Herman Hendricks, David L. Haight, Harmanus Talman, and Abraham P. Maybee; who shall respectively hold their offices until the last Monday in March, in the year of our Lord one thousand eight hundred and twenty-two, and until other directors shall be elected.

First directors. **President.** VI. *And be it further enacted,* That the directors herein before named, shall, as soon as may be, after the passing of this act, and the directors to be chosen at such annual elections, shall, as soon as may be thereafter, proceed to choose out of their body, one person to be president, who shall preside until the next annual election thereafter; and in case of the death, resignation or inability to serve, of the president or any director of the said corporation, such vacancy or vacancies may be filled for the remainder of the year by the board of directors; and in case of the absence of the president, the board of directors shall have power to appoint a president pro tempore, who shall have and exercise such powers and functions as the by-laws of said corporation may provide,

VII. *And be it further enacted*, That if it shall at any time happen that an election should not be made, on any day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved; but it shall be lawful, on any other day, to make and hold an election of directors, in such manner as shall have been regulated by the by-laws and ordinances of the said corporation.

Corporation not dissolved by neglect in electing, &c.

VIII. *And be it further enacted*, That the stock of the said corporation shall be assignable and transferable, according to such rules, and subject to such restrictions and regulations, as the board of directors shall from time to time make and establish, and shall be considered personal property; but in case the said corporation shall have any claim or demand against any stockholder thereof, whether such claim or demand is due or to become due at any future period, such stockholders shall not, be entitled to make any transfer, sale, or conveyance of his stock in the said corporation, or to receive a dividend thereon, until such claim or demand shall be paid or secured to be paid, to the satisfaction of the board of directors, and unless such claim or demand shall be paid or secured to be paid, in the manner aforesaid, within three months after the same shall have become due, then such stock of any such debtor, or so much thereof as shall be sufficient for that purpose, may be sold by the said corporation, and the proceeds thereof applied towards the satisfaction of such claim or demand.

Stock assignable, &c.

Regulations as to transfer, and debts.

IX. *And be it further enacted*, That the major part of the directors of the said corporation shall constitute a board, and be competent to the transaction of all the business of the said corporation, and all questions before them shall be decided by a majority of voices, and they shall have powers to appoint committees of directors, and one or more assistants, and also to appoint a secretary and such other officers, clerks and servants, as they shall deem expedient and proper for the well conducting and transacting their business; and they shall also have power, at such time as to them shall seem meet, to make and declare dividends of such part of the profits resulting from the business of the said corporation, as they shall deem expedient, and shall also have power to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, respecting the management and disposition of the stock, property, estate and effects of the said corporation, the compensation of wages, and the duties, power and conduct of the officers and servants thereof; the election and meeting of directors; the transfer of shares; the management and conducting of the business of the said corporation, and all matters appertaining thereto; and such by-laws, rules or regulations, at their discretion, to repeal, alter or modify: *Provided*, That such by-laws, rules or regulations, shall not be repugnant to the constitution and laws of this state or of the United States.

Quorum of directors.

Committees of directors, assistants, clerks, &c.

Dividends.

By laws.

Provide.

X. *And be it further enacted*, That the policies of insurance and other contracts founded thereon, hereafter to be made or entered into by the said corporation, though not under seal, if subscribed by the president, or in case of his absence, resignation, or inability to act, by such officer or officers, or person or persons, as may be for that purpose authorised by the act of incorporation, or the by-laws of the said corporation, and countersigned by the se-

Policies not under seal valid.

Acts of committees valid

Proviso.

Act in force 30 years & office to be held in N. York.

Policies as signable.

Proviso.

Public act.

cretary, shall be binding and obligatory upon the said corporation, and shall have the like force and effect, to all intents and purposes, as if the seal of the said corporation had been or was affixed thereto, and that an action upon the case may be maintained thereon against the said corporation: *And further*, That all such policies or contracts may be so signed and attested, and all the other business of the said corporation may be conducted and carried on by committees or otherwise, without the presence of a board of directors, and the same shall be binding and obligatory on the said corporation: *Provided*, The same be done under or in conformity to the by-laws and ordinances of the said corporation.

XI. *And be it further enacted*, That this act shall continue for the term of thirty years, and that the said company shall keep their office for the transaction of business in the city and county of New-York, and not elsewhere.

XII. *And be it further enacted*, That in case any person or persons named in any policy or contract of insurance, made by the said corporation hereby created, shall sell and convey or assign the subject insured, during the period of time for which it is insured, it shall be lawful for such insured to assign and deliver to the purchaser, such policy or contract of insurance; and such assignee shall have all the benefit of such policy or contract of insurance, and may bring and maintain a suit thereon in his own name: *Provided*, That before any loss happens, he shall obtain the consent of the insurer to such assignment, and have the same endorsed or annexed to the said policy of insurance.

XIII. *And be it further enacted*, That this act shall be deemed and taken to be a public act, and that the same shall be construed benignly and favorably for every beneficial purpose.

CHAP. CXLII.

AN ACT for the preservation of Fish in certain Ponds in the Counties of Westchester, Columbia and Dutchess.

Passed March 23, 1821.

Fishing till the year 1824 prohibited.

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That from and after the passing of this act until the first day of May, in the year one thousand eight hundred and twenty-four, it shall not be lawful for any person or persons, in any manner whatsoever, to fish or angle in the ponds commonly called Comin Pond and Byram Pond, situate in the town of North-Castle, in the county of Westchester, or in the pond or lake near the house of John Cochrane, in the town of Kinderhook, in the county of Columbia, or in the outlets thereof, within the distance of one mile of either of the said ponds, and every person offending herein, shall for every such offence forfeit the sum of five dollars, to be recovered by any person who will sue for the same, by action of debt, with the costs, before any court having cognizance thereof.

And till 1823 in other waters,

II. *And be it further enacted*, That from and after the first day of May next, and until the first day of May, in the year one thou-

and eight hundred and twenty-three, it shall not be lawful for any person or persons, in any manner whatsoever, to fish or angle in the pond called Mordicai Frost's pond, lying in the town of Clinton and county of Dutchess, or in the outlets thereof, within the distance of half a mile of said pond, and every person offending herein, shall for every such offence forfeit the sum of ten dollars, to be recovered by any person who will sue for the same, by action of debt, with costs, before any court having cognizance thereof. "

CHAP. CXLIII.

AN ACT to amend the act entitled "*An act to provide for the deficiency of the Tax due to the State Treasury from the Counties of Oneida, Onondaga and Oswego,*" passed April 4, 1820.

Passed March 23, 1821.

WHEREAS the supervisors of the county of Oneida have by their petition represented, that the deficiency of the state tax charged upon the county has arisen from the deduction from the assessments of the value of real estate belonging to manufacturing companies, a part if not all of which was by law exempt from taxation. Therefore,

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the comptroller on receiving such proof of the facts as he may deem necessary, is hereby authorised and required to adjust and settle the amount of said deficiency if any, with the treasurer of said county of Oneida, in such manner as he shall determine to be just and equitable.

CHAP. CXLVI.

AN ACT to incorporate the President, Directors and Company of the North River Bank, of the city of New-York.

Passed March 23, 1821.

WHEREAS Leonard Kip and others, inhabitants of the northern and western parts of the city of New-York, associated as a company under the style of the "*North River Bank, of the city of New-York,*" have prayed for the privilege of being incorporated, the better to enable them to carry on the purposes of their institution, under certain conditions beneficial to the public interests. Therefore,

I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That all such persons as now are or hereafter shall become stockholders of the said company, shall be and hereby are ordained, constituted and declared to be, from time to time and until the first day of July, in the year of our Lord one thousand eight hundred and forty-two, a body corpo-

Style and general powers rate and politic, in fact and in name, by the name of the "President, Directors and Company of the North River Bank, of the city of New-York;" and by that name they and their successors, until that day, shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters and causes whatsoever; and they and their successors may have a common seal, and may change and alter the same at their pleasure, and also, that they and their successors, by the same name of "The President, Directors and Company of the North River Bank, of the city of New-York," shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of the said corporation: *Provided*, That the real estate which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for its immediate accommodation, in relation to the convenient transaction of its business, or such as shall have been bona fide mortgaged to it, by way of security for loans or contracts, made or conveyed to it, in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments, which shall have been obtained for such debts: *And provided further*, That the said corporation shall not directly or indirectly, deal or trade in buying or selling any goods, wares or merchandizes, or commodities whatsoever, or in buying or selling any stock created under any act of the United States, unless in selling the same, when truly pledged by way of security for debts due to the said corporation.

Capital stock II. *And be it further enacted*, That the capital stock of the said corporation, shall be five hundred thousand dollars, and that a share in the stock shall be fifty dollars, and that subscriptions to the said capital stock shall be opened, under the direction of Leonard Kip, Peter Augustus Jay, and Robert Swartwout, who are hereby appointed commissioners for that purpose, on the first Monday of April, in this year, and shall be kept open until the whole sum of five hundred thousand dollars shall be subscribed.

Directors. III. *And be it further enacted*, That the stock, property, affairs and concerns of the said corporation, shall be managed and conducted by thirteen directors, being stockholders and citizens of this state; which directors shall hold their offices from the first day of July, in every year, and shall be elected on the first Monday of June, in every year, at such time of the day, and at such place within the city of New-York, as a majority of the said directors for the time being shall appoint; and public notice shall be given by the said directors not less than fourteen days previous to the time of holding the said election, by an advertisement to be inserted in at least two of the public newspapers printed in the city of New-York; and the said election shall be made by such of the stockholders of the said corporation as shall attend for that purpose, either in person or by proxy; and all elections for the directors shall be by ballot; and the thirteen persons who shall have the greatest number of votes, shall be directors; and if it should happen at any election, that two or more persons should have an equal number of votes, then the said directors in office at the time

of such election, or a major part of them, shall proceed by ballot, and by plurality of votes determine which of the said persons, so having an equal number of votes, shall be the director or directors, so as to complete the whole number; and the directors elected, as soon as may be thereafter, shall proceed in like manner, to elect one of their number by ballot, who shall be their president; and if any director shall remove out of the state, or cease to be a stockholder, his office shall be considered as vacant; and whenever any vacancy or vacancies shall happen among the directors, by death, resignation, removal, or otherwise, such vacancy or vacancies shall be filled, for the remainder of the year in which they shall happen, by such person or persons as the remainder of the directors for the time being, or a majority of them shall appoint; and that Leonard Kip, Thomas Brooks, William Roe, Charles Trindar, Elisha Huntington, James Jenkins, John C. Morrison, A. B. Mead, Peter Augustus Jay, M. Van Beuren, Duncan Phyfe, Alexander M. Muir, and Robert Swartwout, shall be the present directors, and shall hold their offices respectively, until the first Monday of July, which will be in the year of our Lord, one thousand eight hundred and twenty-two.

President.

First directors.

IV. *And be it further enacted*, That in case it should at any time happen that an election of directors should not be made on any day, when pursuant to this act it ought to have been made, the said corporation shall not for that cause, or for any non user, be deemed to be dissolved, but that it shall and may be lawful on any other day to hold an election for directors, in such manner as shall be provided by the laws and ordinances of the said corporation.

No dissolution for non user, &c.

V. *And be it further enacted*, That the directors for the time being, or a majority of them, shall have power to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, touching the government of the said corporation; the management and disposition of the stock, business, property, estate and effects of the said corporation; the time, manner and terms, at and upon which discounts and deposits shall be made and received in and by the same; the duties and conduct of the officers, clerks and servants employed; the election of directors, and all such other matters as may appertain to the concerns of the institution; and shall also have power to appoint so many officers, clerks and servants, for carrying on the said business, and with such salaries and allowances, as to them shall seem meet: *Provided*, That such by-laws, rules and regulations, be not repugnant to the constitution and laws of the United States, and of this state: *And provided also*, That the said directors shall keep open the said bank, for discount as well as deposit, every day (except Sundays) during the usual business hours.

By laws.

VI. *And be it further enacted*, That no transfer of stock of the said company shall be valid or effectual, until such transfer shall be entered or registered in a book or books, to be kept for that purpose by the directors; and that the total amount of the debts, which the said corporation shall at any time owe, whether by bond, bill, note, or other contract, over and above the actual deposits in said bank, shall not exceed three times the sum of the capital stock subscribed and actually paid in the said bank; and in case of

such excess, the directors, under whose administration it shall happen, shall be liable for the same, in their separate and private capacities; but this shall not be construed to exempt the said corporation, or any estate, real or personal, which they may hold as a body corporate, from also being liable for and chargeable with such excess; but such directors who shall have been absent when the said excess was contracted, or who may have dissented from the resolution or act whereby the same was contracted, shall not be liable.

Bills, &c. assignable.

VII. *And be it further enacted*, That the bills obligatory and of credit, under the seal of the said corporation which shall be made to any person or persons, shall be assignable by endorsement thereupon, under the hand or hands of such person or persons, his, her or their assignee or assignees, and so as absolutely to transfer and vest the property thereof, in each and every assignee and assignees respectively; and to enable such assignee and assignees to bring and maintain an action thereupon, in his, her or their own name or names; and bills or notes which may be issued by order of the said corporation, promising the payment of money to any person or persons, his, her or their order, or to bearer, though not under the seal of the said corporation, shall be binding and obligatory upon the same, in like manner, and with like force and effect, as upon any private person or persons, if issued by him, her or them, in his, her or their private or natural capacity or capacities, and shall be assignable and negotiable, in like manner as if they were so issued by such private person or persons.

Calls on shares.

VIII. *And be it further enacted*, That from and after the time that the whole amount of the stock of the said bank shall have been subscribed, it shall be lawful for the directors for the time being, to call and demand of the stockholders or subscribers respectively, all such sums of money by them subscribed, or to be subscribed, at such times and in such proportions as they shall see fit, under pain of forfeiture of their shares and all previous payments thereon to the said corporation; always however, giving at least twenty days previous notice of such call and demand, in two or more of the public newspapers published in the city of New-York; and that each stockholder shall be entitled to one vote on each share of the said stock, which he shall have held in his own name at least fourteen days previous to the time of voting.

Votes.

Dividends.

IX. *And be it further enacted*, That it shall be the duty of the directors to make half yearly dividends of so much of the profits of the said bank, as they or a majority of them shall deem advisable, and that the said corporation shall not demand any greater interest on a loan, or discount for a term not exceeding sixty days, than at the rate of six per centum per annum.

Interest.

Loan to J. Swartwout & others.

X. *And be it further enacted*, That the said corporation shall hereby be bound and obligated, to loan to John Swartwout, Robert Swartwout and Samuel Swartwout, out of the funds of the said corporation, such sum or sums not exceeding one hundred thousand dollars, for a period of ten years, and at an interest of six per centum per annum, as may be by them required, for completing the embankment and cultivation of their meadows, in the vicinity of New-York; the said loan to be secured, by a mortgage of the said property, at and after a rate, not less than fifty dollars

If so secured

an acre ; and that it shall not be lawful for the said bank, to issue any notes or bills, until an affidavit by the president and cashier of the said bank, shall have been made and filed in the clerk's office of the city and county of New-York, stating that provision has been made to comply with the conditions of this section.

XI. *And be it further enacted*, That it shall and may be lawful for the said corporation to accept and hold certificates of stock, created or to be created by or in pursuance of any law of this state, for any loan which may be subscribed or made by the said corporation to this state, bearing such interest as may be provided by law, and also to sell and assign the whole, or any part of the said stock, which shall be issued to the said corporation, for any loan they may make or subscribe as aforesaid, in like manner as their other estate and property, any thing in this act to the contrary notwithstanding.

May-hold stock under any state law

XII. *And be it further enacted*, That this act shall be deemed a public act, and shall be benignly and favorably construed, for all the purposes therein expressed and declared, in all courts and places whatsoever.

Public act.

XIII. *And be it further enacted*, That if at any time after the passage of this act the said president, directors and company, should refuse, on demand being made at their banking house, during the regular hours of doing business, to redeem in specie or other lawful money of the United States, their said bills, notes, or other evidences of debt, issued by the said company, the said president, directors and company shall, on pain of forfeiture of their charter, wholly discontinue and close their said banking operations, either by way of discount or otherwise, until such time as the said president, directors and company shall resume the redemption of their said bills, notes, or other evidences of debt, in specie or other lawful coin of the United States ; and the said bank shall be liable to pay to the holder or holders of all such notes and bills, the payment whereof has been refused or delayed upon demand, as aforesaid, damages for the non-payment thereof, at and after the rate of ten per centum per annum, until the same shall be paid as aforesaid, or otherwise satisfied ; and in case the said president, directors and company, shall at any time hereafter, offend against either of the provisions of this act, it shall be the duty of the attorney-general of this state, by information or otherwise, to prosecute said company for such offence, and on conviction thereof, their said charter shall be deemed void.

Notes redeemable in specie, &c.

10 per cent. interest.

Duty of attorney-general.

XIV. *And be it further enacted*, That it shall be the duty of the president and cashier of the said bank for the time being, to make a return, under oath to the legislature of this state, once in each year, if required either by the senate or assembly, which return shall contain a full and true account of the funds and property of the said bank ; the amount of the capital stock subscribed and paid ; the amount of the debts due to and from the said bank ; the amount of the bills and notes emitted by the said bank, in circulation ; and the amount of specie in the said bank at the time of making such return. And in case the said president and cashier shall refuse or neglect to make such return as aforesaid, within thirty days after the same shall have been required as aforesaid,

Returns to the legislature.

Penalty.

the legislature may at any time thereafter, in their discretion dissolve the said corporation.

CHAP. CXLV.

AN ACT authorising the Commissioners of the Land-Office to sell to Samuel Blair and Elnathan Fitch, a certain Lot of Land therein named,

Passed March 23, 1821.

Land to be
sold to S.
Blair and E.
Fitch.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the commissioners of the land-office, to sell and convey to Samuel Blair and Elnathan Fitch, or either of them, at the appraised value thereof, and on the usual terms of credit, lot number seven, containing one hundred and twenty acres, in a tract of nine hundred and forty-one acres of unappropriated land, lying along the Pennsylvania line, in the great bend of the Susquehanna river, allowing in part payment the amount of credit from the date thereof, which the said Elnathan Fitch may have with the said commissioners of the land-office.

CHAP. CXLVI.

AN ACT for the relief of the Tuscarora Tribe of Indians.

Passed March 23, 1821.

Lands ex-
empt from
taxes.

BE it enacted by the People the of State of New-York, represented in Senate and Assembly, That a certain tract of four thousand three hundred and twenty-eight acres of land, situate in the town of Lewiston, in the county of Niagara, belonging to the Tuscarora tribe of Indians, and conveyed to them by the Holland land company, be and the same is hereby exempted and exonerated from all assessments and impositions of taxes, for any purpose whatever, so long as the same shall belong to the said tribe of Indians; and that whatever taxes may now be charged on the said land, shall be credited to the county of Niagara, unless the same have been already credited, but that no part of the said land shall be sold for the payment of such taxes, and no further proceedings shall be had for the collection of the same.

CHAP. CXLVII.

AN ACT to divide the town of Eden, in the county of Niagara.

Passed March 23, 1821.

Town of
Eden erect-
ed.

I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the

thirty-first day of March, instant, all that part of the town of Eden, in the county of Niagara, known and distinguished by township number eight, in the ninth range of the Holland Land Company, be, and hereby is erected into a separate town, by the name of Evans, and that the first town meeting be held at the dwelling house of William Wright, in said town.

II. *And be it further enacted*, That all the remaining part of the town of Eden, known and distinguished as township number eight, in the eighth range of the Holland Land Company's land, shall be, and remain a separate town, by the name of Eden; and that the next town meeting shall be held at the dwelling-house of John Marsh, in said town.

III. *And be it further enacted*, That the supervisors and poor masters of the towns of Evans and Eden, shall meet on the first Monday in May next, at the house of John Marsh, in the said town of Eden, and divide the money and poor belonging to the said town of Eden, previous to the said division, agreeable to the last tax list; and that each of the said towns shall thereafter maintain their own poor. Poor and money divided.

CHAP. CXLVIII.

AN ACT to amend the act, entitled "An act to provide for the Dissolution of Incorporated Insurance Companies in the city of New-York," passed April 5, 1817.

Passed March 23, 1821.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That a distribution or dividend shall be made, by the trustees heretofore or hereafter to be appointed, by virtue of the act hereby amended, within the expiration of four months after the passage of this act, and after the decree for the dissolution of the incorporated insurance company, in respect to which they may be appointed trustees, under the said act, shall become absolute of the estate, funds and effects of such company, after deducting all disbursements and charges, and a commission of five per cent. upon all monies received heretofore or hereafter to be received by them, as a compensation for their services as trustees in the premises, among the stockholders, according to their rights therein, unless the debts and covenants, contracts and engagements of such insurance company, shall make such distribution or dividend impracticable or inexpedient; and in case the outstanding debts, covenants, contracts, and engagements of such company, shall be such as to make a distribution or dividend within the period aforesaid, inexpedient, it shall and may be lawful to and for the said trustees, at any time after the expiration of the said period of four months, to cause a notice to be published in two of the public newspapers printed in the city of New-York, for at least six months, twice at least in each week, requiring all persons having any claim or demand, against, or open or subsisting covenant, contract or engagement with such said insurance company, to present the same in writing, and in detail, to the said Distribution of dividend to be made.

Notice to be published in certain cases.

trustees, for settlement or adjustment, or for the information of the said trustees, at the time and place, in such public notice or advertisement to be specified and mentioned : And it shall and may be lawful for the said trustees, upon, or at any time after the said day, so to be appointed for the presentment to them, of the claims and demands against, or open or subsisting covenants, contracts, or engagements with such said insurance company, to make a dividend of the surplus and residue of the monies and funds of the said company, which shall have come to their hands, after deducting what may have been paid in satisfaction of debts, and their expenses, charges, and commissions, as aforesaid ; and after reserving so much of the same as shall be fully sufficient to answer, meet, satisfy and pay, all the unsettled and unsatisfied claims and demands, and all the open or subsisting covenants, contracts, and engagements, of such said company, as shall have been produced in writing, and in detail to them, pursuant to the said notice, unto and amongst the said stockholders of the said company as aforesaid ; and that the said trustees shall not be answerable or liable to any creditor of the said company, or any person having claims against, or contracts or engagements with the said company, who shall not present the same, in writing, and in detail, as aforesaid, to them, the said trustees, at the time and place in the said notice for that purpose specified, for any part of the said monies and funds, which shall be so distributed or divided.

Trustees may settle by compromise.

II. *And be it further enacted*, That it shall and may be lawful for the said trustees to settle, compromise, refer, submit to arbitration, or compound all or any of the claims, demands, contracts, covenants, and agreements, that may be so presented to them as aforesaid, or agree for the cancelment thereof, on such terms, and in such manner, as they may deem advisable and proper.

Further dividend.

III. *And be it further enacted*, That within eighteen months after the said decree, for the dissolution of such said insurance company, shall become absolute as aforesaid, or within eighteen months after the passage of this act, a further dividend of the estate, funds and effects, of the said company, if the whole shall not have been distributed at the first or former distribution or distributions thereof, shall be made, whereof, at least ninety days previous notice shall be given, and in which notice, such intended dividend shall be announced as a final dividend ; and such dividend shall be final, unless any suit at law or in equity shall be depending, or any part of the estate standing out ; in which cases, the said trustees shall, as soon as may be, convert such estate into money, and bring such suit or suits to a termination. And in case of such outstanding estate, or pending suit or suits, at the time noticed for the making of such further dividend, sufficient monies and funds shall be reserved to answer, meet, and satisfy such suit or suits, if any, and the residue and overplus of trust monies and funds, if any, after expenses, charges, and commissions as aforesaid deducted, shall be distributed and divided as aforesaid ; and as soon as the outstanding estate shall be converted into money, and the said suit or suits shall be finally determined or settled, a final distribution and division of all the remaining estate, funds, and effects of the said company, shall be made among the stockholders, if, after satisfying what may be recovered in such

said suit or suits, and such further claims, if any, as may be in the mean time established, there shall remain any estate, funds, or effects, to be distributed or divided."

IV. *And be it further enacted*, That the said trustees shall not be answerable, liable, or accountable, to any creditor or person whomsoever, for any dividend, sum, effects, funds, or property whatever, which may be divided, distributed or paid, by them, to the stockholders, or to any person or persons whomsoever, under or by virtue of this act. Trustees not to be liable.

V. *And be it further enacted*, That before any dividend shall be paid or distributed by the trustees, conformably to the provisions of this act, or either of them, it shall be the duty of such trustees to present a petition to the chancellor, setting forth the reasons which induce them to make a dividend, accompanied with a full, just and true statement of all the estate and effects, real and personal, of such company, and of all the claims upon such company, as made against the said company at any time, or made under the provisions of this act; also the amount of dividend proposed to be made; that the said petition and statement shall be testified to by such trustees, and proof shall be made to the said chancellor of the proceedings of the trustees having been had in conformity to this act: that if the chancellor shall be of opinion that such dividend or distribution ought to be made, according to the provisions of this act, he shall certify such opinion, and thereupon it shall be the duty of the said trustees to proceed and pay out, or distribute such dividend, according to the provisions of this law. Petition to be presented to the chancellor.

CHAP. CXLIX.

AN ACT to amend an act, entitled "An act for the more effectual collection of Taxes, and Assessments, in the city of New-York."

Passed March 23, 1821.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That if a sum of money, in gross, has been or shall be assessed or taxed, upon any lands or premises in the city of New-York, by virtue of any law of this state, any person or persons claiming any divided or undivided part thereof, may pay such part of the sum of money so assessed or taxed, and also of the interest and charges due or charged thereon, as the mayor, aldermen, and commonalty of the city of New-York, in common council convened, may deem to be just and equitable, and the remainder of the sum of money so assessed or taxed, together with the interest and charges, shall be a lien on the residue of the land only, which may be sold in pursuance of the provisions of the act, entitled "An act for the more effectual collection of taxes and assessments in the city of New-York," to satisfy the residue of such assessment or tax, interest and charges, in the same manner which it could have been, provided the residue of said assessment or tax had been imposed upon the residue of said lands and tenements: *Provided always*, That nothing Provision in cases where lands taxed are held by more than one owner.

herein contained shall be so construed as to release the occupant of any such premises from his liability to pay assessments and taxes upon the whole of the premises, which he is or shall be in the occupation of.

Redemption
of lands sold.

II. *And be it further enacted* That the proprietor of any lands, sold or which shall be sold for taxes or assessments in the city of New-York, in pursuance of the provisions of said act, shall not be permitted to redeem the same within the two years mentioned in said act, unless he shall pay to the street commissioner of the city of New-York, for the use of the purchaser, his executors, administrators, or assigns, in addition to the sum which such purchaser shall have paid for the same, at the time of sale, by virtue of said act, all such sums of money which the said purchaser shall have paid since the sale of said lands for taxes or assessments on the same, and also for the costs and charges attending the advertising of the same, and all other costs and charges thereon, together with the interest thereof, at the rate of fourteen per centum per annum, from the time of making such payments.

Interest when
chargeable
on a tax.

III. *And be it further enacted*, That the owner of any lands or tenements in the city of New-York, upon whom, or on whose lands, any assessment has been or shall be made or imposed, who shall neglect, or has neglected, to pay the same, for the space of sixty days, after the said assessment was or shall be confirmed according to law, shall be liable to pay interest thereon, at the rate of seven per cent. per annum, to be calculated from the time of the confirmation of said assessment.

CHAP. CL.

AN ACT *relative to a Bridge across the Big Chazy River.*

Passed March 23, 1821.

Preamble.

WHEREAS doubts have arisen whether the bridge to be built over the big Chazy River, in the town of Champlain, in the county of Clinton, to be erected under, and by virtue of an act, entitled "An act to authorise the building of a bridge across the Big Chazy River," passed March 1st, 1816, is a public bridge :
Therefore.

Declared a
public bridge

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the said bridge, when erected, shall be a public bridge, and be kept in repair and provided for in the same manner as the other public bridges in the aforesaid town and county, are.

CHAP. CLI.

AN ACT to amend the act, incorporating the Bank of Newburgh.

Passed March 23, 1821.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That so much of the third section of the act, entitled "An act to incorporate the stockholders of the bank of Newburgh," passed the 22d March, 1811, as locates the place of residence of the persons to be chosen as directors of the said bank, be and the same is hereby repealed, and that hereafter it shall and may be lawful for the stockholders of the said bank to elect thirteen directors without any regard to the places of residence of the persons chosen by them as directors, at the times and in the manner provided in their said act of incorporation.

Part of a section repealed.

Residence of directors not restricted.

CHAP. CLII.

AN ACT confirming the proceedings of Coroners in the county of Niagara.

Passed March 23, 1821.

WHEREAS the council of appointment, in the year of our Lord one thousand eight hundred and nineteen, omitted the appointment of any coroner or coroners, in the county of Niagara : *And whereas* the coroners which had been previously appointed in said county, continued to officiate in their said office, during the year aforesaid, and until the meeting of the council of appointment in the year one thousand eight hundred and twenty : *And whereas* doubts have arisen whether the proceedings of said coroners are valid in law : Therefore,

Preamble.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That all the official acts and proceedings of every such coroner during the term aforesaid, which would have been legal had such coroner been re-appointed to office, shall be deemed good and valid in law, to all intents and purposes.

Certain acts confirmed.

CHAP. CLIII.

AN ACT for the relief of the inhabitants of Lake Pleasant.

Passed March 23, 1821.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That for the purpose of improving the part of the state road from Albany to St. Lawrence,

Certificates to be issued by the land office.

between the outlet of Lake Pleasant to the north bounds of Palmer's purchase, it shall be lawful for the commissioners of the land-office, and they are hereby directed, on the application of the accredited supervisor of the town of Lake Pleasant, to issue certificates for so many lots of land, belonging to the people of this state, not otherwise appropriated, situated in township number nine, in Moose River tract, in the said town of Lake Pleasant, in the county of Hamilton, as shall amount to one thousand dollars, on the valuation as returned to, and on file in the surveyor-general's office, at the location of said supervisor.

Lots may be
contracted
for.

II. *And be it further enacted*, That it shall be lawful for the said supervisor, or his successor or successors in office, by and with the consent and advice of the commissioners of highways of said town, for the time being, to contract for the sale of the whole or any part or parts of the lots so to be located as aforesaid, either for money or for labour, or both, to be by them applied exclusively to the improvement of the said road.

Patents when
to issue.

III. *And be it further enacted*, That whenever such certificate or certificates are presented to the surveyor-general, accompanied with the written contract or contracts, either for money or work, with the proper receipts or acknowledgements or both, of such supervisor and commissioners of highways, for the accomplishment of such contract or contracts, that then and in such case, it shall be the duty of the surveyor-general to issue letters patent accordingly, to such purchaser or purchasers, his or their heirs or assigns : *Provided however*, That such lands shall be so disposed of and applied within six years from the passage of this act.

Provide.

Accounts to
be rendered.

IV. *And be it further enacted*, That it shall be the duty of the said supervisor and commissioners, to render a written account annually to the proper accounting officers of the said town, (at the time appointed by law for the officers of said town to account,) of all their doings under this act, to be kept on file in the clerk's office of said town ; and the said accounting board shall allow them such fees for their services under this act, as they shall deem proper, to be levied and collected, as the other contingent expenses of said town.

Fees to be
allowed.

Supervisor,
&c to ac-
count.

V. *And be it further enacted*, That it shall be the duty of said supervisor and commissioners to account for their doings under this act, when thereunto required by the comptroller.

CHAP CLIV.

AN ACT to extend the time for completing the Sacondaga Turnpike Road.

Passed March 23, 1821.

Corporation
revived, and
5 years al-
lowed to
complete
road.

BE it enacted by the People of the State of New-York, re-presented in Senate and Assembly, That the act, entitled " An act to incorporate the Sacondaga turnpike and bridge company," passed the fifteenth day of June, one thousand eight hundred and twelve, be and the same is hereby revived, and that the time for

making and completing the said road shall be extended five years from and after the passing of this act : *And further*, That the directors last elected by the said company, shall continue to be the directors thereof, until others be chosen in their stead, pursuant to the directions of the act relative to turnpike companies. Directors.

CHAP. CLV.

AN ACT to authorise Benjamin Lounsbury to erect a Dam in the Susquehannah River, in the town and county of Tioga.

Passed March 23, 1821.

I. *BE it enacted by the People of the State of New-York*, B. Lounsbury's privilege to erect a dam.
represented in Senate and Assembly, That it shall and may be lawful for Benjamin Lounsbury, his heirs or assigns, to erect and maintain a wing dam, from the south side, of the Susquehannah river, opposite his own land, to and across a certain bar, in the said river, not to exceed forty rods in length : *Provided*, That at least one half of the said river shall remain unobstructed by the said dam.

II. *And be it further enacted*, That it shall and may be lawful for the legislature of this state, at any time hereafter, when, in their opinion, the public interest shall require it, either to amend or repeal this act, or the authority hereby granted to the said Benjamin Lounsbury, may be revoked by the court of common pleas of the said county of Tioga. This act may be altered.

CHAP. CLVI.

AN ACT to vest certain Powers in the Trustees of the Freeholders and Commonalty of the town of East-Hampton, in the county of Suffolk.

Passed March 23, 1821.

WHEREAS the trees and bushes growing on the public highway, through which the road leading from the said town of East-Hampton, to the port of Sag-Harbour runs, is of great benefit to said road : Preamble.

And whereas the twelfth section of the act, entitled " An act to regulate highways in the counties of Suffolk, Queens, Kings, and Richmond," passed the 2d day of April, 1801, declaring that all timber growing on highways should be and remain the sole property of the land adjoining said highway, was by the last section of the act, entitled " An act to vest certain powers in the freeholders and inhabitants of the port of Sag-Harbour," passed the 26th day of March, 1803, repealed so far as it related to said highway :

And whereas doubts exist whether any person is authorised by the existing laws to prosecute for trespasses committed on said highway : Therefore,

Trees not to
be cut down.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That any person who shall cut or carry off any of the trees or bushes, now growing on said highway, without first obtaining permission of the said trustees of the freeholders and commonalty of the said town of East-Hampton, shall forfeit and pay, for each tree or bush so cut or carried off, the sum of seventy-five cents, to be recovered by the said trustees, together with the costs of suit, in an action of trespass, before any justice of the peace in the county of Suffolk; the one half of said penalties, when recovered, shall be paid over by said trustees to the commissioners of highways of the said town of East-Hampton, to be by them expended in improving said road, and the other half to the complainant.

Penalty.

CHAP. CLVII.

AN ACT altering the time of holding Town Meetings in the town of Duanesburgh, in the county of Schenectady.

Passed March 23, 1821.

First Tues-
day of April
town meet-
ing.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the town meetings in the town of Duanesburgh, shall, after the present year, be held on the first Tuesday of April, in every year; and that all such town officers of the said town, whose duty it is to meet on the last Tuesday of February, shall meet on the last Tuesday of March, in every year, to do and transact such business as to their respective offices may appertain.

CHAP. CLVIII.

AN ACT to abolish one of the Terms of the Courts of Common Pleas and General Sessions of the Peace for the county of Schenectady.

Passed March 23, 1821.

3 terms of
courts, &c.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That there shall be held but three terms of the courts of common pleas and general sessions of the peace in and for the county of Schenectady, and that the said terms of said courts shall be held on the third Tuesday of May, September and January, in each year, and may be continued from day to day until the next Saturday inclusive.

CHAP. CLIX.

AN ACT for the relief of the Commissioners appointed under the act to amend the act incorporating the Neversink Turnpike Road Company, and for altering the name and style of said Company.

Passed March 23, 1821.

WHEREAS the Neversink Turnpike Road Company has, by Preamble. reason of various difficulties, become wholly unable to pay the commissioners appointed under the act, entitled "An act to amend the act incorporating the Neversink turnpike road company, and for altering the name and style of said company," the sums justly due such commissioners, for their fair and reasonable compensations for services and expenditures for the benefit of the said company: *And whereas* the said commissioners, though acting for the benefit of said company, were appointed by the state as public officers thereof: Therefore,

BE it enacted by the People of the State of New-York, Certain monies to be paid to *represented in Senate and Assembly,* That the treasurer pay, on the warrant of the comptroller, to Jacob Tremphour, junior, John Kiersted, and Chester Lusk, commissioners appointed under the act incorporating the Neversink turnpike road, and for altering the name and style of such company, the several sums due to them for their services and expenditures as such commissioners, that is to say, to the aforesaid Jacob Tremphour, junior, the sum of one thousand two hundred and twenty-three dollars, to the said John Kiersted, the sum of one thousand sixty-two dollars, and the said Chester Lusk, the sum of one hundred and sixty dollars. I. Tremphour
I. Kiersted,
and C. Lusk.

CHAP. CLX.

AN ACT for the relief of St. Paul's Protestant Episcopal Church in Paris.

Passed March 27, 1821.

WHEREAS the society of St. Paul's Protestant Episcopal church, in Paris, late in the county of Herkimer, and now county of Oneida, was in the month of February, 1797, duly incorporated according to the act, entitled "An act to provide for the incorporation of religious societies;" and the certificate of such incorporation was duly acknowledged and entered of record in the clerk's office of the county of Herkimer: *And whereas* the clerk's office of the county of Herkimer has since been consumed by fire, by means whereof the said certificate and the records thereof were destroyed: Therefore,

BE it enacted by the People of the State of New-York, Certificate of incorporation to be filed, none pro tunc *represented in Senate and Assembly,* That it shall and may be lawful for the said society to cause a certificate of their incorporation to be duly acknowledged and entered of record in the clerk's office of the county of Oneida, certifying the time when they were incor-

porated, which certificate, or the record thereof, shall to all intents and purposes, be as valid as their original certificate, and shall be received as evidence in any court of justice, that the said society was duly incorporated in the month of February, one thousand seven hundred and ninety-seven.

CHAP. CLXI.

AN ACT respecting the Sealers and Inspectors of Weights and Measures in the City of New-York.

Passed March 27, 1821.

Part of an act repealed.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That so much of the act entitled "An act to regulate weights and measures," as provides for the appointment of an assistant state sealer, who shall reside in the city of New-York, be and the same is hereby repealed.*

Weights and measures where to be kept.

II. *And be it further enacted, That there shall be kept in the city-hall, of the city and county of New-York, one complete sett of weights, measures and scale-beams, conformably to the state standard, and that the mayor and aldermen or supervisors of said city and county, be and they are hereby directed to procure the same at the expense of said city and county.*

And to be the standard of the southern district.

III. *And be it further enacted, That the said standard, named in the second section of this act, be and the same is the standard for the southern district of this state, and that the clerk of the mayor, aldermen or supervisor of said city and county, shall as often as it may be necessary, on application from any county sealer of weights and measures of said district, to adjust the same; and that the said clerk shall receive the same fees for so adjusting, as is allowed by the said law hereby amended; and that the duties of the said clerk herein named, shall be to adjust the said county standards, and no other, any law to the contrary notwithstanding.*

Inspector may be appointed & also sealers, &c

IV. *And be it further enacted, That it shall be lawful for the mayor, aldermen and commonalty of the city of New-York, in common council convened, to appoint an inspector of weights and measures, and as many sealers of weights and measures as they may deem proper, in the city and county of New-York, and at pleasure to remove him or them from office, and to appoint others in their places.*

Duties & fees of inspectors and sealers how regulated.

V. *And be it further enacted, That it shall be lawful for the mayor, aldermen and commonalty of the city of New-York in common council convened, from time to time pass such by-laws and ordinances as they may deem proper for regulating the duties and fees of the said inspector, and of the sealers of weights measures, and for imposing such penalties for using weights and measures and scale-beams, which shall not have been inspected and sealed, in conformity to such by-laws and ordinances, as the said common council may from time to time pass and ordain upon the subject: Provided, such by-laws and ordinances shall not be repugnant to the constitution and laws of this state or of the United States.*

CHAP. CLXII.

AN ACT for the relief of Josiah Shepard.

Passed March 27, 1821.

WHEREAS Josiah Shepard by his petition hath represented to ^{Preamble.} the legislature, that he hath become the purchaser of a certain lot of land near the village of Lewiston, sold to Stephen Chapman, by virtue of an act of the legislature entitled "An act authorising the surveyor-general to sell certain lands near the village of Lewiston, in the county of Niagara," passed April 12th, 1819; that the said sale was made on condition that the purchaser should build a grist mill on said lot within two years; that the foundation of the said mill has been laid, but owing to the great accumulation of ice in the Niagara river, the same has been wholly destroyed, and that it is out of the power of the petitioner to complete the said mill by the time limited by law: Therefore,

BE it enacted by the People of the State of New-York, re-^{Time extend-}
presented in Senate and Assembly, That the time for building and ed to July 1,
completing the said grist mill shall be extended to the first day of 1821.
July, in the year of our Lord one thousand eight hundred and twenty-two; and that the time of payment on the bond executed by the said Stephen Chapman to the people of this state, for the security of the purchase money on the sale of said lot, shall be extended one year, on each of the several instalments due thereon: ^{Proviso.} *Provided*, The amount of interest now due on the said bond shall be paid.

CHAP. CLXIII.

AN ACT to incorporate the Bank for Savings, in the Village of Utica.

Passed March 27, 1821.

WHEREAS John C. Devereaux, Ezekiel Bacon, Nathan Williams, Morris S. Miller, and others, have by their petition presented to the legislature, prayed for an act to incorporate them and their associates under the style of "The Bank for savings in the village of Utica," for the purpose of receiving on deposit such sums of money as may from time to time be offered by tradesmen, mechanics, laborers, minors, servants and others, and vesting the same in government securities, or in stock of the United States, or of this state, for the use, interest and advantage of said depositors and their legal representatives: ^{Preamble.} *And whereas*, The legislature is willing to cherish such institutions as have for their object the encouragement of industry and economy, and the promotion of good morals: Therefore.

I. BE it enacted by the People of the State of New-York, ^{Corporation created.}
represented in Senate and Assembly, That John C. Devereaux, Ezekiel Bacon, Samuel Stocking, Erastus Clark, Nathan Williams, Moses Bagg, Morris S. Miller, David P. Hoyt, Montgomery Hunt,

John H. Lothrop, Apollas Cooper, Thomas Walker, Rudolph Snyder, William H. Maynard, and Ezra S. Cozier, and their associates, shall be and are hereby constituted a body corporate and politic, by the name of "The Bank for savings in the Village of Utica," and by that name they shall have perpetual succession; and shall be persons capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and may have a common seal, with power to change and alter the same from time to time; and shall be capable of purchasing, taking, holding, and enjoying, to them and their successors, any real estate in fee simple or otherwise, and any goods, chattels and personal estate, which shall be necessary for the purposes above recited; and of selling, leasing, or otherwise disposing of the real and personal estate, or any part thereof at their pleasure: *Provided always*, That the clear annual value of such real and personal estate, exclusive of the profits that may arise from the interest accruing upon the stock, or from the sale of any stock in which the deposits made in said bank may be invested, shall not exceed the sum of five thousand dollars, and that the trustees or managers of said institution shall not directly or indirectly, receive any pay or emolument for their services; nor shall they issue any notes, make any discounts, or transact any business, which belongs to or is transacted by incorporated banks, other than is herein specified: *Provided also*, That the funds of the said corporation shall be used and appropriated to the promotion of the object stated in the preamble to this act, in the manner herein mentioned, and those only.

Deposits. II. *And be it further enacted*, That the said association so incorporated, shall receive as deposits, from persons of the description contained in the recital to this act, all sums of money that may be offered for the purpose of being invested as aforesaid, which shall be invested accordingly; and shall be repaid to each depositor when required, and at such times and with such interest, and under such regulations, as the board of trustees to be appointed as is herein after mentioned, shall from time to time prescribe; which regulations shall be put up in some public and conspicuous place, in the room where the business of the said corporation shall be transacted, but shall not be altered so as to affect any deposit which shall have been previously made; no president or vice-president, trustee or accountant, shall directly or indirectly borrow or use the funds of the corporation, except to pay necessary current expenses, and all certificates or evidences of deposits, made by the proper officers, shall be as binding on the corporation as if they were under their common seal; and the said corporation shall from time to time have power to make, constitute, ordain and establish by-laws and regulations, as they shall judge proper, for the election of their officers, for prescribing their respective functions, and the mode of discharging the same; for regulating the times and places of meeting of the officers and trustees; and for transacting, managing and directing the affairs of the institution: *Provided*, Such by-laws and regulations are not repugnant to this act, to the constitution and laws of this state, or of the United States: *Provided further*, That it shall be the duty of the trustees of the said bank, to regulate the rate of interest to be allowed to the depositors, so that

Style & general powers.

Proviso.

Further proviso.

Prohibition as to borrowing money &c.

By-laws.

Proviso.

Further proviso.

they shall receive a rateable proportion of all the profits of the said bank, after deducting therefrom all necessary expenses authorised by this act to be incurred.

III. *And be it further enacted*, That the officers of the said institution shall consist of a president and two vice-presidents, who together with twelve trustees, shall constitute a board of managers, five of whom, provided the president or one of the vice-presidents be present, assembling at the time and place designated by the by-laws or regulations of the institution, shall constitute a legal meeting thereof.

IV. *And be it further enacted*, That John C. Devereaux, shall be president; Ezekiel Bacon, first vice-president; Samuel Stocking, second vice-president; and that Erastus Clark, Nathan Williams, Moses Bagg, Morris S. Miller, David P. Hoyt, Montgomery Hupt, John H. Lathrop, Apollos Cooper, Thomas Walker, Rudolph Snyder, William H. Maynard, and Ezra S. Cozier, shall be the first managers of said institution; and in case of a vacancy, by death, resignation, or otherwise, among the said officers and trustees, such vacancy shall be filled by ballot, by the board of managers, at their first regular meeting thereafter, and the person having the majority of the whole number present and voting, shall be considered as duly elected, and not otherwise; and the said board shall from time to time appoint a fit person as an accountant of the institution, removable at pleasure, who shall give such reasonable security for his fidelity and good conduct, as the board of managers may from time to time require, and they may, if necessary, appoint a clerk to assist him.

V. *And be it further enacted*, That the board of trustees shall have power to appoint a clerk or clerks, and such other officers and servants as they may deem necessary for conducting the affairs of the institution, and to remove them at their pleasure, and to appoint others in their places, and to fix the salaries of such clerks or other officers so appointed.

VI. *And be it further enacted*, That it shall be lawful for said corporation, at their discretion, to pay to any depositor, being a minor, such sums as may be due to such depositor, not exceeding two hundred and fifty dollars, notwithstanding that no guardian shall have been appointed for such depositor, and that the receipt or acquittance of such minor, shall be as valid as if the same were executed by a guardian of such minor duly appointed: *Provided*, such deposit shall have been personally made by such depositor, and not by any other person for his or her benefit.

VII. *And be it further enacted*, That it shall be the duty of this corporation to make an annual report to the legislature, of the state of their funds.

VIII. *And be it further enacted*, That the books of the said corporation shall at all times be open to the comptroller of this state, and to such other person or persons, as the legislature may from time designate, for inspection and examination.

IX. *And be it further enacted*, That this act is hereby declared to be a public act, and that the same shall be construed in all courts and places, favourably and benignly for every beneficial purpose therein mentioned; and that no misnomer of said corporation in any deed, gift, grant or demise, or other instrument of

Proviso. contract or conveyance, shall vitiate or defeat the same : *Provided*, the corporation shall be sufficiently described to ascertain the intention of the parties : *And provided also*, That the legislature may at any time hereafter amend or repeal this act, and dissolve the said corporation, or vary or modify its powers, as to them shall seem fit and proper.

Further proviso.

CHAP. CLXIV.

15

AN ACT to cede the jurisdiction of certain Land, near the mouth of the Oswego River, to the United States.

Passed March 27, 1821.

Ceded land described.

I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the commissioners of the land-office be and they are hereby authorised and required to cede to the United States the title and jurisdiction of this state, to so much land, lying at or near the mouth of the Oswego river, in the county of Oswego, as they shall deem necessary for the purpose of erecting a light-house thereon, not to exceed six acres in the whole : *Provided*, That such cession shall not impede or prevent the execution of any process at law, under the authority of this state, except against the real or personal property of the government of the United States.

Proviso.

Land ceded free from taxes.

II. And be it further enacted, That the property so ceded shall be exonerated and discharged from any taxes which may be imposed under the authority of this state, while the said land shall remain the property of the United States, and while the same shall be appropriated to the purpose intended by this act, and not otherwise.

CHAP. CLXV.

AN ACT to authorise Wakeman Elmore to assume the name of Wakeman Jennings.

Passed March 27, 1821.

W. Elmore may assume the name of W. Jennings.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the name of Wakeman Elmore, of the town of Stamford, in the county of Delaware, shall be and is hereby changed to the name of Wakeman Jennings, by which name he shall be henceforth called and known in all cases whatsoever.

CHAP. CLXVI.

AN ACT to repeal the Seventh Section of the Act therein mentioned.

Passed March 27, 1821.

BE it enacted by the People of the State of New-York, ^{Section re-} represented in Senate and Assembly, That the seventh section of the act, entitled "An act to amend the act, entitled An act to amend An act entitled an act to reduce several laws relating particularly to the city of New-York into one act," as far as it relates to assistant justices, passed April 7th, 1820, be and the same is hereby repealed.

CHAP. CLXVII.

AN ACT for continuing the State Tax for a limited time.

Passed March 27, 1821.

BE it enacted by the People of the State of New-York, ^{One mill tax} represented in Senate and Assembly, That a tax of one mill ^{for 1 year.} upon each dollar of the valuation of the real and personal estates within this state, shall for the term of one year, be raised, levied, and collected in the manner directed in and by the act, entitled "An act authorising the levying and collecting an annual tax for two years, for the use of this state, and to amend the act for the assessment and collection of taxes," passed 24th October, 1814.

CHAP. CLXVIII.

AN ACT to divide the town of Oswegatchie, in the county of St. Lawrence.

Passed March 27, 1821.

I. BE it enacted by the People of the State of New-York, ^{Morristown} represented in Senate and Assembly, That from and after the ^{erected.} passing of this act, all that part of the town of Oswegatchie, in the county of St. Lawrence, which on a map of this state, made by the surveyor-general, is known and distinguished as the township of Hague, be and the same is hereby erected into a new town by the name of Morristown, and that the first town meeting shall be held on the second Tuesday in April next, at the house of John Hooker, in said town, and that the annual town meetings thereafter shall be held on the first Tuesday in March in each and every year.

II. And be it further enacted, That as soon as may be after the second Tuesday in April next, the supervisors and overseers ^{Poor and mo-} of the poor of the aforesaid towns of Oswegatchie and Morristown, ^{nies divided} shall, by notice to be given for that purpose by the said supervi-

sors thereof, meet together and apportion the poor and money belonging to said town of Oswegatchie previous to the division thereof, agreeable to the last tax list of the resident inhabitants, and each town shall thereafter for ever support and maintain their own poor.

CHAP. CLXIX.

AN ACT for the relief of Harmanus Vedder and Elsey his wife, and others.

Passed March 27, 1821.

Preamble.

WHEREAS William Young, of the town of Florida, in the county of Montgomery, on the twelfth day of November, in the year of our Lord one thousand eight hundred and eleven, made and executed his last will and testament in writing, whereby he devised unto his wife Rachel, his house and barn, and one third of his real estate, for ever, to dispose of as she should think fit. *And whereas*, after the death of the said William Young, the said Rachel intermarried with Henry Snook of the same place. *And whereas* the said Rachel, after her intermarriage with the said Henry, and during coverture, to wit, on the twenty-ninth day of January, in the year of our Lord one thousand eight hundred and twenty, made and executed her last will and testament in writing, under her hand and seal ; and among other things, devised as follows : " First, I do give and bequeath to my husband, Henry Snook, the sum of two hundred and fifty dollars, to be paid to him one year and six months after my decease, and to be raised out of my real estate : Item, I give and devise unto Harmanus Vedder, and Elsey his wife, all that certain farm and messuage, or tenement, situated, lying and being in the town of Florida, and county of Montgomery, with the hereditaments thereunto belonging, and the rents, issues, and profits thereof, and for and during the term of their natural lives ; and from and after the decease of the said Harmanus Vedder, and Elsey his wife, I give and devise, the said farm and messuage, or tenement, lands and hereditaments, unto Daniel Peter Vedder and Volkert Vedder, the sons of the said Harmanus and Elsey, and to their heirs and assigns for ever. And I do hereby authorise and direct the executors of this my last will and testament, herein after named, to sell and convey away so much of the wood part of the said farm, messuage, or tenement, lands and hereditaments, as shall raise a sufficient sum to pay off and discharge the above mentioned legacy bequeathed to Henry Snook, my husband ;" reference being made to said last will and testament will more fully appear. *And whereas* the said Henry Snook, on the day and year mentioned in said will, under his hand and seal, did consent and agree to the execution of the said will by an endorsement thereon, as will by inspection more fully appear. *And whereas* the said Rachel was an illegitimate child ; and died without issue, whereby her real estate escheated to the people of this state, in consequence of her incapacity to devise the same during coverture ; Therefore,

Be it enacted by the People of the State of New-York, re- Right of the people vested in Vedder & others.
presented in Senate and Assembly, That all the right and title of the people of this state, of, in and to the above described lands, tenements and hereditaments, with the appurtenances, is hereby declared to be vested in the said Harmanus Vedder and Elsey Vedder, his wife, for and during the term of their natural lives, and after their death the same shall descend to the said Daniel Peter Vedder and Volkert Vedder, their heirs and assigns, in fee simple according to the true intent and meaning of the last will and testament of the said Rachel Snook, subject however to the legacy of Henry Snook.

CHAP. CLXX.

AN ACT to authorise the Overseers of the Poor in the Town of Walkill and County of Orange, to sell certain Real Estate.

Passed March 27, 1821.

BE it enacted by the People of the State of New-York, re- A certain farm to be sold.
presented in Senate and Assembly, That it shall and may be lawful for the overseers of the poor of the town of Walkill, in the county of Orange, to sell and convey a certain farm and premises situated in and belonging to said town, and now used as a poor-house, and that such conveyance shall vest in the purchaser all the right and title which the said town hath in the premises : *Provided,* Proviso. That the freeholders and inhabitants of the said town shall, at their annual town meeting, by legal vote authorise the sale ; and that the supervisor and two of the justices of the peace of said town approve of such conveyance.

CHAP. CLXXI.

AN ACT to divide the Town of Jay, in the County of Essex.

Passed March 27, 1821.

I. BE it enacted by the People of the State of New-York, re- Town of Danville erected.
presented in Senate and Assembly, That from and after the passing of this act, all that part of the town of Jay, lying west of a certain line, beginning on the south bank of the west branch of the great Ausable river, opposite to the place where the county line leaves said river, thence running south eighteen degrees west, to the height of the Hamblin mountain ; thence south thirty degrees west, running over the Parmer mountain on a straight line to the north line of the town of Keen, shall be and hereby is erected into a new town by the name of Danville, and that the first town meeting shall be held at the school-house near the house of Reuben Sanford, on the first Tuesday in April next, and annually thereafter on the first Tuesday in April.

Remaining
part retains
the name of
Jay.

II. *And be it further enacted*, That all the remaining part of the town of Jay, shall be and remain a separate town by the name of Jay, and that the next town meeting shall be held at the school-house near the house of Elisha Hall, on the first Tuesday in April next, and annually thereafter on the first Tuesday in April next.

Poor and mo-
ney divided.

III. *And be it further enacted*, That the supervisors and overseers of the poor of the towns of Jay and Danville, shall meet on the first Monday in June next, at the school-house near the house of Elisha Hall, in the town of Jay, and divide the money and poor belonging to the town of Jay previous to the division, agreeably to the last tax list; and each of said towns shall for ever thereafter maintain their own poor.

CHAP. CLXXII.

AN ACT to provide for the expense of extending the Battery in the City of New-York, and for other purposes.

Passed March 27, 1821.

Battery to be
extended 600
feet.

I. *BE it enacted by the People of the State of New-York, re-presented in Senate and Assembly*, That it shall be lawful for the mayor, aldermen and commonalty of the city of New-York, to extend that part of the said city usually called the Battery, into the bay and North and East rivers, such distance as they may deem proper, not exceeding six hundred feet: *And further*, That all the title of the people of this state in and to the land and the land under water, in front of and adjoining to the said Battery, and extending from thence into the bay and the North and East rivers a distance not exceeding six hundred feet, shall be and the same is hereby vested in the mayor, aldermen and commonalty of the city of New-York and their successors, for ever, to remain for the purpose of extending the said Battery for a public walk and for erecting public buildings and works of defence thereon, but without any power to dispose of the same for any other use or purpose whatsoever, and without any power of selling it, or any part thereof.

And vested in
the corpora-
tion.

Purposes.

Sums to be
raised by tax
and how, &c.

II. *And be it further enacted*, That the mayor, recorder and aldermen of the said city, or a majority of them, of whom the mayor or recorder shall be one, shall be and are hereby authorised and required as soon as conveniently may be after the passing of this act, and once in each and every year thereafter, until a sum which will be sufficient to defray the expense of extending the battery as herein after mentioned, not exceeding the sum of one hundred and fifty thousand dollars shall be raised, to order and cause to be raised by tax on the estates real and personal of the freeholders and inhabitants of and situated within the wards of the said city, herein after mentioned, and to be collected, the sum of twenty-five thousand dollars, which sum shall be so assessed and taxed on the said wards in the proportion herein after mentioned, to wit; on the first ward of the said city, the sum of six thousand six hundred and sixty-six dollars; on the second ward, the sum of five thousand dollars; on the third ward, the sum of five thousand dollars; on the fourth

ward, the sum of two thousand three hundred and thirty-four dollars ; on the fifth ward, the sum of one thousand six hundred and sixty-six dollars ; on the sixth ward, the sum of one thousand three hundred and thirty-four dollars ; on the seventh ward, the sum of one thousand dollars ; on the eighth ward, the sum of one thousand dollars ; and on the tenth ward, the sum of one thousand dollars.

III. *And be it further enacted*, That said tax shall be assessed, levied and collected, in the manner directed by the act entitled "An act for the assessment and collection of taxes." Tax how applied and levied, &c.

IV. *And be it further enacted*, That the whole of the money which shall be so raised, shall be appropriated towards defraying the expenses which have been or may be incurred by extending the battery as aforesaid. Appropriation of tax.

CHAP. CLXXIII.

AN ACT for the relief of Hannah Danforth.

Passed March 27, 1821.

I. *BE it enacted by the People of the State of New-York*, represented in Senate and Assembly, That it shall be the duty of the comptroller, on application to him for that purpose, to open an account in his office with Hannah Danforth, the widow of Asa Danforth, deceased, for that part of lot number one hundred and thirty-three, in the late Onondaga reservation, which has been set off to her for her dower, being fifty acres and five-tenths of an acre of land, and to pass to her credit an equal proportion of the payments which have been made on said lot number one hundred and thirty-three, according to the number of acres in said lot. Account to be opened and credit to be passed.

II. *And be it further enacted*, That it shall be the duty of the comptroller and he is hereby directed to suspend the collection of the principal, interest and costs, that now are or hereafter shall become due on the part of said lot number one hundred and thirty-three, which has been set off to the said Hannah Danforth for her dower, during the natural life of the said Hannah Danforth, and the comptroller shall not demand or receive any fees for opening said account with the said Hannah Danforth. The collection of certain monies suspended.

CHAP. CLXXIV.

AN ACT to incorporate the St. Andrew's Society of the City of Albany.

Passed March 27, 1821.

WHEREAS a society for charitable purposes has been instituted in the city of Albany, by natives of Scotland, and their descendants, and the said society having petitioned the legislature for an act of incorporation, the better to enable them to carry into effect the objects of their association : Therefore, Preamble

Corporation
created.

Style and
general pow-
ers.

Proviso.

By-laws.

Proviso.

Public act.

Rights reser-
ved.

I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That all persons who now are or who may hereafter become members of the aforesaid society, shall be and hereby are constituted a body corporate in fact and in name, by the name of "The St. Andrews Society of the city of Albany," and by that name shall have succession, and be in law capable of suing and being sued, defending and being defended, in all courts and places, and in all manner of actions and causes whatsoever; and may have a common seal and change the same at pleasure; and by that name and style be capable in law of purchasing, holding and enjoying, to them and their successors, any real estate in fee simple or otherwise, and any goods, chattels and personal estate, and of selling or otherwise disposing of the said real and personal estate or any part thereof, at their will and pleasure: *Provided always,* That the clear annual value or income of such real and personal estate shall not exceed the sum of two hundred and fifty dollars.

II. And be it further enacted, That the said corporation shall have power to make such constitution, by-laws, ordinances, rules and regulations, for the appointment of officers; the government of the society; the management of their property, and the superintendence of all their concerns, as to them shall appear most proper and beneficial: *Provided,* The same be not inconsistent with the laws and constitution of this state or of the United States.

III. And be it further enacted, That this act be and the same is hereby declared to be a public act, and that the same be construed in all courts and places, benignly and favorably for every beneficial purpose therein intended.

IV. And be it further enacted, That nothing in this act contained shall be construed to prevent the legislature from altering, amending or repealing the same at any time hereafter.

CHAP. CLXXV.

**AN ACT to extend the Gaol Limits within the Town of Whites-
town, in the County of Oneida.**

Passed March 27, 1821.

Limits to in-
clude village
of Whitesbo-
rough.

**BE it enacted by the People of the State of New-York, re-
presented in Senate and Assembly,** That the gaol limits within the town of Whites town, in the county of Oneida, shall be and the same are hereby extended, to comprehend all that district of country included in the village of Whitesborough, as incorporated by an act entitled "An act to vest certain powers in the freeholders and inhabitants of the village of Whitesborough, and for other purposes," passed March 26, 1813.

CHAP. CLXXVI.

AN ACT to supply the Village of Syracuse with wholesome Water.

Passed March 27, 1821.

I. *BE it enacted by the People of the State of New-York,* Water may be taken from the state lands.
represented in Senate and Assembly, That the freeholders and inhabitants of the village of Syracuse, in the town of Salina, be and are hereby authorised to take a sufficient supply of fresh water, for the use of said village, from any springs on the lands of the people of this state in said town, lying eastward of said village, and to carry the same in an under-ground aqueduct, across the lands of the said people to said village, and at all times to enter on the same to dig ditches for laying said aqueduct and to repair the same from time to time when necessary, with as little injury to the said lands as may be: *Provided,* That if such springs shall be of sufficient elevation to be carried into the Rome summit level of the Erie canal, nothing in this act shall be construed to prevent the canal commissioners from taking the water of the same for supplying said canal in case they should deem it necessary. Provided.

II. *And be it further enacted,* That the freeholders and inhabitants of said village, authorised to vote, at town meetings, are hereby authorised to meet at the house of Sterling Cossit, innkeeper, in said village, on the first Monday of May next, and elect by plurality of voices, three trustees, who shall be empowered to transact all business in relation to the rights hereby granted to the inhabitants of said village, to bring in the water, regulate the manner of using it, fix the sums to be paid annually by those using the same; to sue in their own names as trustees of the Syracuse water works, for all injuries done to the works erected under this act, and generally with all powers necessary to carry the purposes of this act into effect, and thereafter on the first Monday of May in each year, to meet at such place in said village as shall be designated in a notice by such trustees, or a majority of them, at least six days previous, put up at the last place of such election, and in default of such notice, then at such last place of election, and choose three trustees for the purposes aforesaid, for the year ensuing; and the trustees for the past year shall thereupon account to the trustees elect, for all monies received by them during the past year, and pay over the balance in their hands to such trustees elect, and deliver over to them all papers and vouchers relating to said trust, and in default thereof they shall be liable to be prosecuted by such trustees elect, in their own names, as trustees of the Syracuse water works, for the amount of the monies in their hands, and for the papers so detained. Trustees. Elections. To account.

III. *And be it further enacted,* That it shall be the duty of such trustees to select the springs from which they intend to take such water, and cause a map to be made of the same, with the route by which they intend to carry the same in an aqueduct to said village, to be made at their expense and filed in the office of the surveyor-general of the state, with a declaration thereon, signed by Further powers & duties of the trustees

them that the same is made in pursuance of this act, prior to the sales of the land under the act of the year eighteen hundred and twenty, for that purpose; and all sales of land by the state thereafter made, embracing such springs or the route of such aqueduct, shall be deemed to be subject to the rights granted in and by this act, and this shall be deemed a public act.

Rights reserved.

IV. *And be it further enacted*, That the legislature shall have power at all times to modify, amend or repeal this act.

CHAP. CLXXVII.

AN ACT relative to the Treasury Deposits, and for other purposes.

Passed March 27, 1821.

Certain banks declared to be places of deposit.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the New-York State Bank, and the Mechanics' and Farmers' Bank, shall be the places of deposit for all monies which may hereafter be in the treasury of this state, except such sums as may be deposited to the credit of the treasurer, in the Manhattan Bank; and the treasurer is hereby directed and required to deposit one half of all monies, which may hereafter come into his hands, on account of this state, in the New-York State Bank, and the other half in the Mechanics' and Farmers' Bank, in the city of Albany, excepting as aforesaid.

Monthly statements required.

II. *And be it further enacted*, That it shall be the duty of the said banks respectively, to make monthly statements of the monies which shall be received into and paid out of the said banks on account of the treasury, and to deliver the same to the comptroller.

Monies to be paid on checks, &c.

III. *And be it further enacted*, That it shall not be lawful for either of the said banks to pay any monies on account of the treasury, unless upon checks subscribed by the treasurer, and countersigned by the comptroller of this state.

Additional members to the committee.

IV. *And be it further enacted*, That in addition to the present committee for examining the treasurer's accounts, Charles E. Dudley, Barent Bleecker and William James be, and they are hereby appointed.

CHAP. CLXXVIII.

AN ACT authorising the Comptroller to settle the Accounts of the Commissioners appointed under the act entitled "An act for the relief of the late Sufferers on the western frontier of this state."

Passed March 27, 1821.

Preamble.

WHEREAS the commissioners appointed by the act entitled "An act for the relief of the late sufferers on the western frontier of this state," passed February 18th, 1814, have accounted to the comptroller for the sum of thirty-three thousand five hundred and

forty-five dollars: *And whereas* vouchers have been rendered for the sum of sixteen thousand four hundred and fort-five dollars, which have been suspended by the said comptroller on account of informality in the taking thereof, and whereas it satisfactorily appears that the amount thus suspended has been appropriated for the purposes contemplated in the aforesaid act, and the money received and applied as in said vouchers expressed: Therefore,

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the comptroller be and is hereby authorised and required to pass to the credit of the said commissioners all the vouchers by them rendered, for monies paid in pursuance of the provisions of the aforesaid act, for the relief of the sufferers on the western frontier of this state, if in the opinion of the said comptroller the money was paid as therein expressed.

Certain vouchers to be credited.

CHAP. LXXIX.

AN ACT relating to the Real Estate of John Warner, deceased.*

Passed March 29, 1821.

WHEREAS John Warner,* late of Easton, in the county of Washington, died seized of certain parcels of land in Easton aforesaid, without having made any devise of the same: *And whereas* the said Warren* was a foreigner by birth, and his next of kin and their place of residence is unknown: *And whereas* strangers are in the habit of making depredations and committing waste on said property, by carrying away and otherwise destroying the timber thereon: *And whereas* it appears by the declarations of the deceased previous to his death, that William Read, of Stillwater, is collaterally of kin to the intestate: Therefore,

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That it shall and may be lawful for the said William Read, to take possession of the real estate of the deceased, and hold the same, subject to the claims of any heir or heirs of the said Warren,* who may hereafter lay claim to the same, whose rights in case of such claims shall be decided according to the existing laws of this state: *Provided however,* That before the said William Read shall take possession of the said property, he shall execute and file in the office of the surrogate of the county of Washington, a bond with sufficient sureties, (the sufficiency of which sureties shall be determined by the said surrogate,) conditioned that he will faithfully account for the said property, and the rents and profits thereof, to the legal representative or representatives of the said John Warren,* or to the comptroller of this state, when thereunto required.

W. Read to take possession of certain estate.

Proviso.

II. *And be it further enacted,* That the said William Read shall be and he is hereby authorised to prosecute for all trespasses and waste, and to reclaim all property belonging to the intestate in the same manner and with the same powers as if he had become seized of the said estate at the death of the said Warner.*

Trespasses

* *Note.*—The true name must be either *Warner* or *Warren*; which of the two it is, is not so clear from the act, which is an exact copy of the original.

CHAP. CLXXX.

AN ACT authorising the Commissioners of Loans in Seneca county, to keep their Office at the Court-House, in Ovid.

Passed March 29, 1821.

Office when
and where
held.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the office of the commissioners for loaning money, in the county of Seneca, under the act of 1808, may be held at the court-house, in the town of Ovid, in said county, at all the times prescribed by said act, except the second Tuesday of May, in each year; and that the sales of land to be made under said act, in the county aforesaid, shall and may be made at the court-house in Ovid.

CHAP. CLXXXI.

AN ACT for the relief of Anne Senac.

Passed March 29, 1821.

Preamble.

WHEREAS William D. Senac, and Anne his wife, late Anne Dumont, have, by their petition, represented to the legislature that John Dumont, late of the city of New-York, deceased, the only child of the said Anne Senac, by her first husband, John Dumont, did on the seventh day of December, one thousand eight hundred and five, make and publish his last will and testament, in writing, in the presence of three witnesses, and thereby, after the payment of his just debts, devised all his estate, real and personal, "then unto him belonging, or which he might thereafter acquire, to his mother, the said Anne Senac, whom he also constituted sole executrix of his said last will and testament; and after the making thereof as aforesaid, that is to say, on the sixth day of November, one thousand eight hundred and eleven, he the said John Dumont, purchased and became seised in fee of a certain dwelling-house and lot of land, situate in the city of New-York, of which, from motives of filial affection, he executed on the next day thereafter, a mortgage in fee, to the said Anne Senac, for the purpose of securing the payment of his bond, executed at the same time, in the penal sum of seven thousand five hundred dollars, and conditioned for the payment to the said Anne Senac, of an annuity of five hundred dollars during the term of her natural life.

Further preamble.

And whereas it is further represented that the said John Dumont departed this life after the said purchase, without having revoked or republished his said last will and testament, leaving no issue or any collateral relation, capable of inheriting the said premises, whereby the title thereto has become vested in the people of this state, subject to the said mortgage, which from the depreciated value of the premises is insufficient to secure the full payment of the said annuity: And whereas the said John Dumont

appears to have died under the full conviction, that the said Anne Senac would, under, and in virtue of his said last will and testament, become vested with all his estate : Therefore,

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the right, title and interest of the people of this state, to and in all that certain dwelling-house and lot of land, known and distinguished as lot number fifty-eight, Water-street, in the first ward of the city of New-York, containing in front and rear, twenty-one feet seven inches in length, on the east side, seventy feet eight inches, and on the west side sixty-nine feet eleven inches, be and the same is hereby vested in Anne Senac, wife of William D. Senac, her heirs and assigns, for ever. *Provided always,* That the said Anne Senac, shall, at the instance of any creditor or creditors, of John Dumont, deceased, be liable to account for the value of the said premises, over and above any incumbrances thereon, in like manner as for assets received by her, as his executrix.

Rights of the people vested in A. Senac.

Proviso.

CHAP. CLXXXII.

AN ACT to divide the town of Ischua, in the county of Cattaraugus.

Passed March 29, 1821.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That all that part of the town of Ischua, consisting of the fifth township in the third range, and the fifth township in the fourth range of townships, shall be set off from the town of Ischua, and be erected into a separate town by the name of Farmer's Ville ; and the first town meeting shall be held at the house of Richard Tozer, on the first Tuesday of March next, and annually on the first Tuesday of March thereafter.

Town of Farmer's ville erected.

II. *And be it further enacted,* That all the remaining part of the town of Ischua, shall be and remain a separate town by the name of Ischua ; and the first town meeting shall be held at the place designated by the town clerk of said town.

Remainder retains its name of Ischua.

III. *And be it further enacted,* That as soon as may be after the first Tuesday of March next, the supervisors and overseers of the poor of the aforesaid towns, shall, by notice given for that purpose by the supervisors thereof, meet together and apportion the poor maintained by the town of Ischua, and the poor money belonging to the same, previous to the division thereof, agreeably to the last tax list ; and each town shall, for ever thereafter, support its own poor.

Poor and monies divided.

CHAP. CLXXXIII.

AN ACT to amend the nineteenth section of the act, entitled
"An act to regulate Highways."

Passed March 29, 1821.

Power of
commission-
ers of high-
ways in a
certain case.

*BE it enacted by the People the of State of New-York, re-
presented in Senate and Assembly, That whenever the commis-
sioners of highways of two adjoining towns shall lay out or alter
any public highway, upon the line betwixt such towns, it shall be
lawful for them to lay the same either upon such line or as near
thereto as the convenience of the ground will admit, and so to vary
the same either to the one or the other side of such line as to them
shall seem proper ; which highway, so laid out or altered, shall
be divided into road districts according to the provisions contain-
ed in the nineteenth section of the act, entitled " An act to regu-
late highways."*

CHAP. CLXXXIV.

AN ACT to require the Secretary of this State to transmit a
*copy of the Laws of each session to the Clerks of the several
counties of this State, for the use of the Board of Supervisors
thereof.*

Passed March 29, 1821.

Duty of
state printer.

*BE it enacted by the People of the State of New-York,
represented in Senate and Assembly, That it shall be the duty of
the printer to this state, to print, (in addition to the laws now au-
thorised to be distributed,) as many copies of the laws of each of
the sessions of the legislature as there are counties in this state,
and deliver the same to the secretary of state, whose duty it shall
be to furnish each of the clerks of the boards of supervisors, in
their respective counties, with one of each copy annually.*

And of secre-
tary of state.

CHAP. CLXXXV.

AN ACT relative to the *Batavia Library.*

Passed March 29, 1821.

Preamble.

WHEREAS it is represented to the legislature that in the year
1804, a society was organized and incorporated, in the village of Ba-
tavia, in the county of Genesee, by the name and style of " The
Chairman, Trustees, and Associates of the Batavia Library," under
and by virtue of the act of the legislature, entitled " An act to incor-
porate such persons as may associate for the purpose of procuring
and erecting public libraries in this state," passed April 1st, 1796 ;
that on the twenty-second day of November, eighteen hundred and

fourteen, the trustees of said society met, and laid a tax on each member of the said society, to be paid in one month from and after that time ; but that the said tax, or any other tax, has not been paid, since that time, by any member of the said society, whereby each and every of the said members have forfeited, and become excluded from all his, her, or their rights and privileges in the said library and incorporation, by virtue of the ninth section of the said act : Therefore,

BE it enacted by the People of the State of New-York, re- Certain rights restored.
presented in Senate and Assembly, That each and every person who were members of the said society, on the twenty-second day of November, one thousand eight hundred and fourteen, be from this time restored to, and reinstated in all his, her or their rights and privileges in the said library and incorporation, in the same manner, and with the same force and effect, as the said members held and possessed the same on the said twenty-second day of November ; and in case of the death of any of the said members, or the assignment or transfer of the share or shares of any one or more of them, since that time, the said rights and privileges shall vest in and be held by his, her or their legal representatives or assigns.

CHAP. CLXXXVI.

AN ACT for the relief of the Devises of John Finglass and Mary Long.

Passed March 29, 1821.

Preamble
WHEREAS Samuel Riky, and Catharine his wife, and Mary Ann Riky, by James McBride, their attorney, have presented their petition to the legislature of this state, setting forth, that by the last will and testament of John Finglass, formerly of the city of New-York, gentleman, bearing date the ninth day of March, in the year one thousand seven hundred and ninety, the dwelling-house and lot of ground, in Beekman-street, in the city of New-York, in the said petition mentioned, and whereof he, the said John Finglass, in the year one thousand seven hundred and ninety-two, died seised, was devised, after the demise of his wife, Susannah Finglass, to his sister Mary Long, of Dublin, in Ireland, in fee simple ; that the said Mary Long afterwards, by her last will and testament, bearing date the twenty-second day of July, in the year one thousand seven hundred and ninety-six, devised the same to the petitioners, Catharine Riky, and Mary Ann Riky, her daughter, and grand daughter, both of whom are aliens, as joint tenants, in fee ; that the said Mary Long and Susannah Finglass are both deceased, and both died prior to the late war between the United States and Great Britain ; and that they, the petitioners, by the death of the said Mary Long and Susannah Finglass, and by the will of the said Mary Long, became entitled to an estate in joint tenancy, in fee simple, of and in the said dwelling-house and lot of ground, and wish to sell and dispose of the same, but that doubts have arisen, (from their alienism, and the present state of the treaty provi-

sions between the United States of America and Great Britain, on the subject,) of their legal capacity to hold or dispose of the same, unless thereto enabled by the authority of the legislature, and praying for an act to be passed for the removal of the said doubts :

Right of this
state vested
in C. Riky
and M. A.
Riky.

Therefore,

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That all the right, title, claim and interest, which the people of this state have, or can or may have, or claim, in or to the real estate devised by the said John Finglass, after the death of his wife Susannah Finglass, to his sister, Mary Long, shall be and hereby is vested in the said Catharine Riky and Mary Ann Riky, their heirs and assigns, for ever, as joint tenants, notwithstanding the alienism of them or their heirs, or any of them, as fully and in like manner as if they and the said Mary Long, their testator, had been at the time of the death of the said John Finglass, and always continued to be, citizens of the United States.*

Authority to
sell.

II. *And be it further enacted, That the said Samuel Riky, and Catharine his wife, and Mary Ann Riky, and the heirs of the said Catharine and Mary Ann, be and they are hereby authorised and empowered, by themselves or their attornies, to sell the said messuage, or dwelling-house and lot of ground, and real estate, to any person or persons, being a citizen or citizens of the United States, and that the deed or deeds for the same shall and may be executed and given to such purchaser or purchasers, by them, the said Samuel Riky, and Catharine his wife, and Mary Ann Riky, or their heirs or assigns, by themselves respectively, or by their respective attorney or attornies, duly appointed for that purpose, and such deed or deeds shall vest in such purchaser or purchasers, and his, her, or their heirs, all the right, title and interest which the aforesaid John Finglass had at the time of his death, or the people of this state had, or shall or may have in the premises, purporting to be thereby conveyed.*

Purchase money to whom to be paid.

III. *And be it further enacted, That the purchase money or produce of such sale, shall be paid to them, the said Catharine Riky, and Mary Ann Riky, or their attorney or attornies, duly authorised to receive the same for them, according to their right and interest therein ; and it is hereby declared that it shall not be the duty of the said purchaser or purchasers, his, her or their heirs or assigns, to see to the application of the said purchase money or proceeds, or of any part thereof ; nor shall he, she or they, or any of them, be answerable for any loss, misapplication, or non-application thereof, or of any part thereof : *Provided however, and be it further enacted, That nothing contained in this act, or in any deed to be executed in virtue thereof, shall be deemed or construed as a warrantee on the part of the state of the title to the premises therein mentioned, or to give the parties therein any claim upon the state, or to vest in any such party any right, title or capacity to take or hold any lands or tenements against any citizen, now holding, possessing or claiming the same by descent or purchase, or to exempt the premises from the payment of any tax with which the same may be now charged, or to which the same may be liable. Provided, and be it further enacted, That before any sale, or other disposition shall be made of the said real estate wherof**

Chancellor's
authority in
the premises

the aforesaid John Finglass died seised, or of any part thereof, under or by virtue of this act; and to entitle the said Catharine Riky, and Mary Ann Riky, their heirs and assigns, to the benefit of this act, and the provisions thereof, such order or declaration, and authority or direction, of the chancellor in the premises as hereby is required, shall be obtained, and for that purpose application shall be made by or on behalf of them, the said Catharine Riky and Mary Ann Riky, their heirs or assigns, to the chancellor, by petition or otherwise, setting forth a brief statement of the matters recited in the preamble of this act, and the grounds of their said application, and praying for the order or declaration, and authority or direction of the chancellor, hereby required in the premises, as herein after next mentioned; and the chancellor, on such application, if he shall be satisfied of the truth of such statement, shall, by an order by him to be made in the premises, or otherwise, at his discretion, declare the same, and authorise or direct the sale and conveyance of the said real estate, and the disposition or application of the nett proceeds or purchase money, after first deducting and paying out of the same the costs of such application, and all other reasonable expenses, in and about the premises, counsel fees included, and all which shall be deducted and paid out of the same, according to the true intent and meaning of this act.

CHAP. CLXXXVII.

AN ACT to amend an act, entitled "An act to amend an act, entitled "An act for the Repacking and Inspecting Beef and Pork, and for other purposes."

Passed March 30, 1821.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That so much of the fifth section of the act hereby amended, as requires that all pork intended for exportation, shall not have less than four ounces of salt petre in each barrel, and in the like proportion to every half barrel, be and the same is hereby repealed; and that it shall not be necessary, after the passing of this act, to put any salt petre in any barrel or half barrel of pork intended for exportation as aforesaid.

Part of a certain section repealed.

CHAP. CLXXXVIII.

AN ACT to annex a part of the town of Wheeler to the town of Bath.

Passed March 30, 1821.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the passing of this act, all that part of the town of Wheeler, in the county of Steuben, lying south and west of the following boundary, to wit,—Beginning at the southwest corner of lot number three,

Part described.

on the south line of township number five, in the fourth range of townships; thence north along the west line of said lot number three to the northwest corner of the same; thence west along the south line of lot number twelve, to the southwest corner thereof; thence north along the west line of said lot number twelve, to the northwest corner thereof; thence west along the south line of lot number twenty-one to the southwest corner thereof; thence north-westwardly, along the west bounds of lots number twenty-one and twenty-nine; to the northwest corner of lot number twenty-nine; thence north along the west line of lot number thirty-eight to the northwest corner thereof; thence west along the south line of lot number forty-seven, to the southwest corner thereof; thence north along the west lines of lots number forty-seven and fifty-five to the northwest corner of lot number fifty-five; thence west along the north line of lot number forty-eight, to the west bounds of the said town, shall be and is annexed to the town of Bath.

CHAP. CLXXXIX.

AN ACT further to extend the time for the payment of Monies loaned by the Commissioners of Loans and Loan-Officers, to Citizens of this State.

Passed March 30, 1821.

Time extend-
ed to 1829.

Proviso.

Duty of offi-
cers.

This act to
be distribut-
ed.

*I. BE it enacted by the People of the State of New-York, re- presented in Senate and Assembly, That the time for the pay- ment of the monies loaned or to be loaned to sundry persons, by virtue of the act, entitled "An act for emitting the sum of two hundred thousand pounds in bills of credit," passed April 18, 1783, and of the act, entitled "An act for loaning monies be- longing to this state," passed March 14, 1792, and the act, enti- tled "An act authorising a loan of monies to the citizens of this state," passed April 11, 1808, be and the same is hereby extend- ed to the first Tuesday of May, one thousand eight hundred and twenty-nine: *Provided*, That an interest of seven per cent. per annum shall be paid for the same in the manner as in the afore- said acts is provided for the payment of interest: *Provided al- ways*, That the above extension of the time of payment shall not embrace cases in which the loan-officers or commissioners for loaning money shall deem the securities questionable, unless such security shall be made perfectly satisfactory to the said loan-offi- cers or commissioners for loaning money.*

II. And be it further enacted, That it shall be lawful for the said loan-officers and commissioners of loans, and it is hereby made their duty to receive so much of the principal loaned by them re- spectively as by law has been allowed to be paid, taking care how- ever to re-loan the same as soon as may be, for the term limited as aforesaid, agreeably to the acts under which they may have re- spectively been appointed, at an interest of seven per cent.

III. And be it further enacted, That the comptroller shall cause to be printed such number of copies of this act as shall be suf- ficient to furnish the several loan-officers and commissioners for

loaning money within this state, with one copy each, and to transmit the same at the expense of this state, by mail, to the said loan-officers and commissioners respectively.

CHAP. CXC.

AN ACT concerning the Gospel and School Lot in the town of Madrid, and for other purposes.

Passed March 30, 1821.

I. *BE it enacted by the People of the State of New-York,* Trustees to be elected, and their duties. That it shall be lawful for the freeholders and inhabitants of the town of Madrid, in the county of St. Lawrence, at their annual town meetings, to elect three trustees, being inhabitants and freeholders of the town, whose duty it shall be to take charge of the gospel and school lot in said town, and to receive and appropriate the rents and profits, or the proceeds arising from the sale thereof, to the uses and for the purposes hereinafter mentioned.

II. *And be it further enacted,* Further duties of trustees. That the said trustees shall have full power and authority to enter upon and take possession of the said lot of land, and to lease or sell the same, or any part thereof, upon the best terms, or for the best price that can be had therefor, in such manner as the said trustees shall deem most beneficial to the said town : *And further,* That the said trustees and their successors, shall, for the purposes expressed in this act, be a body politic and corporate, by the name and style of "The trustees of public lands in the town of Madrid, and county of St. Lawrence ;" and by their said name and style, may institute and prosecute any suits for any trespasses that may have been heretofore, or shall be hereafter committed on said lands, and may sue or be sued, in all courts of law or equity, for any matter or cause, relating to the said lands, or the proceeds thereof.

III. *And be it further enacted,* Their power in selling, &c. That it shall not be lawful for the said trustees to sell the said lands on a shorter credit than ten years, and it shall be lawful for the said trustees to receive at the time of such sale, one fourth part of the purchase money, but not more.

IV. *And be it further enacted,* Proceeds to be loaned. That the monies arising from such leases or sales, or recovered in any action relative to said lands, which may come into the hands of the said trustees, shall be loaned out by them, from time to time, at lawful interest, to be secured by bonds and mortgages on lands, of at least double the value of the sums loaned, and free from all incumbrance.

V. *And be it further enacted,* Monies to be paid to com. of common schools. That it shall and may be lawful for the said trustees, and their successors, and they are hereby required annually to pay into the hands of the commissioners of common schools of said town, one moiety of the interest arising from the loan of such monies as shall accrue from time to time from the rents or sale of the said land.

VI. *And be it further enacted,* And they to pay them to trustees of school districts. That the said commissioners of common schools shall pay over the monies so coming into their

hands to the several school trustees of the several school districts now or hereafter to be organised in said town, in the same manner and proportions, and under the same regulations, as other money which shall or may come to their hands from the school funds of the state, and the said school trustees are hereby authorised and directed to apply the said monies to the payment of the wages of teachers to be employed in the several districts by virtue of the act for the better establishment of common schools.

Bonds to be given.

VII. *And be it further enacted*, That the said trustees and their successors, before they shall enter upon the duties of their office, shall execute a bond to the supervisor of said town, in the penal sum of five thousand dollars, with such surety as the supervisor shall approve, conditioned for the faithful discharge of the trusts reposed in them by this act, which bond shall be lodged with the supervisor, who shall cause the same to be recorded within twenty days after the execution thereof, in the office of the town clerk of said town, and a copy of such record, certified by such clerk, shall be prima facie evidence in all courts of the execution of said bond.

Accounts to be rendered.

VIII. *And be it further enacted*, That it shall be the duty of the said trustees of public lands, to render a just and true account of their proceedings in respect to the demise or sale of said lands, together with the rents and proceeds in their hands remaining, and an account of what may have been appropriated and expended by them, to the supervisor and justices of the peace of the said town, on the Tuesday next preceding the annual town meeting in each year, and it shall be the duty of the supervisor, or one of the said justices, to report to the people, at the annual town meeting, in each year, the amount of rent or interest then due for the support of the gospel and schools, and of the manner in which the same has been expended and appropriated: *And further*, That in case it shall appear to the said supervisor and justices, at their annual meeting, that there is any such default or defalcation on the part of the said trustees, as to amount in their judgment to forfeiture of the said bond, it shall be the duty of the said supervisor, under the direction, and at the discretion of the said board of audit, to cause the said bond to be put in suit, and the amount recovered shall be applied by the said supervisor, for the time being, to the support of the gospel and schools, in the said town, in the same manner as other monies are directed to be applied and distributed by the said trustees, under this act, or in such other manner as the freeholders and inhabitants of the said town, at their annual town meeting, shall order, or as the legislature shall prescribe by law.

Duration of office, &c.

IX. *And be it further enacted*, That the said trustees, when chosen, shall hold their offices until others shall be appointed, and give bond in their place, and that the said trustees shall be chosen by ballot, and that the like notice shall be given of their election, as of the election of other town officers: *And further*, That when other trustees shall be chosen, the former trustees shall deliver over to their successors, all the money, books, notes, bonds, mortgages, or other papers, relating to the lease, or sale of said lands, or for the security of any money arising therefrom, remaining in their hands, and take a receipt for the same, which

Elections, and monies, &c. to be delivered over to successors.

receipt, or a duplicate thereof, shall be filed in the clerk's office of said town; and in case any of the said trustees shall wilfully neglect or refuse to deliver over the money and papers to their successors as aforesaid, he or they so neglecting and refusing, shall forfeit the sum of fifty dollars, to be recovered with costs of suit, before any justice of the peace, in said town, in an action of debt, by any person who will prosecute for the same with effect.

X. *And be it further enacted*, That the remaining moiety of the monies arising as aforesaid, shall be annually and equally distributed by the said trustees among the several religious societies legally organized in said town. Monies to religious societies.

XI. *And be it further enacted*, That the said trustees shall be allowed a reasonable compensation for their services, and also the expenses of surveying said land into small lots, to be audited, collected and paid as other town expences, usually are. Compensation.

XII. *And be it further enacted*, That it shall be lawful for the freeholders and inhabitants of the town of Hannibal, in the county of Oswego, at their annual town meeting to elect three trustees, who shall be inhabitants and freeholders of said town, and whose duty it shall be to take charge of the gospel lot of the said town of Hannibal; which said trustees, for all the purposes hereby expressed, and their successors in office, shall be a body politic and corporate, by the name and style of "The Trustees of the gospel lot in the town of Hannibal." Trustees in Hannibal incorporated.

XIII. *And be it further enacted*, That the said trustees shall possess all the powers, and perform all the duties, and be subject to all the regulations and provisions which are by this act imposed on and granted to the trustees directed to be elected by the first section of this act. General powers.

XIV. *And be it further enacted*, That the trustees of the gospel lot, in the town of Hannibal, shall annually pay over to the commissioners of common schools of that town, the annual income arising from the said lot, and account therefor in the same manner that the trustees of public lands, in the town of Madrid, in the county of St. Lawrence, are by this act directed to pay over, and account for the moiety of the annual income of the lot of land granted to them for the purposes aforesaid, which said money shall be paid out and accounted for by the commissioners of common schools of the town of Hannibal, in the same manner as by this act the commissioners of common schools of the town of Madrid, are directed to pay out and account for the money which shall from time to time be paid to them by the trustees directed to be elected by the first section of this act. Monies payable to com. of common schools.

XV. *And be it further enacted*, That the incorporation of the religious society, in the town of Litchfield, in the county of Herkimer, known by the name, style, and title, of "Litchfield Presbyterian society," be and the same is hereby confirmed, notwithstanding any irregularity in recording the certificate of their incorporation, or in giving notice for the election of trustees of said society. Incorporation in Litchfield confirmed.

CHAP. CXCI.

AN ACT for the preservation of Fish in the Lakes and Ponds therein mentioned, in the counties of Dutchess and Rensselaer.

Passed March 30, 1821.

Fishing prohibited in certain waters.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That from and after the first day of May next, it shall not be lawful for any person or persons, at any time or in any manner whatsoever, before the first day of May, in the year one thousand eight hundred and twenty-four, to take any fish of any kind, or to use any means for taking them, in the lake or pond called Sepascat lake, lying in the town of Rhinebeck, in the county of Dutchess, or in the pond called the Albia factory pond, lying in the fifth ward of the city of Troy, or in the inlet to the same up to the bridge near Abraham Price's, in Greenbush, or in the pond called Kindall's pond, in the town of Berlin, in the county of Rensselaer.

The like prohibition.

II. *And be it further enacted,* That it shall not be lawful for any person, at any time after the passing of this act, to take any trout in any of the brooks, streams or creeks in the towns of Petersburg and Berlin, in the county of Rensselaer, in any other way or by any other means than with a hook and line.

Dams, &c. prohibited.

III. *And be it further enacted,* That it shall not be lawful for any person or persons, after the passing of this act, to erect any dams or place any weirs or other obstructions in the creek which forms the outlet to the pond or lake, known by the name of Martin's lake, in the town of Sandlake, in the county of Rensselaer, so as to prevent the passage of the fish called suckers, down said outlet from the said pond to the junction of said creek with Mill creek.

Fishing prohibited, &c.

IV. *And be it further enacted,* That it shall not be lawful for any person or persons, at any time after the passing of this act, to take any fish in any way except with a hook and line, in the following ponds, lakes or waters in the county of Rensselaer, to wit: Hoag pond and the inlet at the north or upper end thereof, from the mouth of said inlet to Paul Ostram's bridge, and the outlet thereof to the grist mill of Fenner Palmer, and the pond called Lyon's pond, and the stream that connects said Hoag pond with said Lyon's pond and Albia factory pond and Kindall pond.

Penalties

V. *And be it further enacted,* That if any person or persons shall offend against any of the provisions of this act, he, she or they shall forfeit the sum of ten dollars for each and every offence, to be sued for and recovered by any person who will prosecute for the same in an action of debt, in his own name; the one moiety thereof shall, when recovered, be paid to the overseers of the poor of the town where the offence was committed, for the use of the poor thereof, and the other moiety thereof to the person who shall prosecute for the same.

CHAP. CXCIL.

AN ACT to revive and continue the act, entitled "*An act to incorporate the Society for the Relief of Indigent Women and Children, and for other purposes.*"

Passed March 30, 1821.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the act, entitled "*An act to incorporate the society for the relief of indigent women and children,*" shall be, and the same is hereby, revived, and shall be in all respects deemed to have continued in full force to this time, and shall be continued in full force for the term of ten years from the first day of March, in the year one thousand eight hundred and twenty.

Corporation revived.

CHAP. CXCHII.

AN ACT to amend an act entitled "*An act to prevent Horse-Racing, and for other purposes,*" passed March the 19th, 1802.

Passed March 30, 1821.

I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the passing of this act, the training, pacing, trotting and running of horses, upon regulated courses, and upon private property, in the county of Queens, is hereby declared to be exempted and freed, for and during the period of five years from the passing of this act, from the provisions and penalties of the act entitled "*An act to prevent horse-racing, and for other purposes.*"

Horse racing to a certain extent allowed in Queens county.

II. And be it further enacted, That the said races or coursing shall only be allowed during the months of May and October in each and every year during said period.

In the months of May and October.

III. And be it further enacted, That it shall hereby be made the duty of the sheriff of the county, or of his deputy, where such trials of speed shall take place, to attend and be present at such course or courses, to keep the peace upon the same, to remove from the same all gambling tables, shuffle-boards, or any other table at which money can be won or lost; and that for his services in these respects, he shall receive a compensation not to exceed five dollars for each day's attendance, which sum of money shall be paid by the owner or owners of such horses as shall be entered upon such course or courses, for any of the purposes in the first section of this act mentioned: *Provided always*, That no such trotting, pacing or running of horses shall take place in the county aforesaid, unless notice of the same shall have been previously given to the sheriff of the county; and the person or persons who shall so trot, pace or run his or their horses, without giving such notice as aforesaid, shall forfeit and pay one hundred dol-

Duty of sheriff, &c.

Proviso.

Penalty.

lars to the overseers of the poor of the town where such trotting, pacing or running of horses shall have taken place, to be recovered by action of debt against the party or parties so offending.

CHAP. CXCIV.

AN ACT relating to the Ferries at Black Rock and Lewiston.

Passed March 30, 1821.

Ferry and lot
to be leased
to A. Stannard.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the surveyor-general be, and he is hereby authorised and directed to lease to Asa Stannard, the ferry and ferry lot at Black Rock, for five years from the first day of May next, together with the right to use, occupy and improve the tract of land known and set apart in pursuance of an act, passed April 7, 1815, as the military tract, reserving to the state the right to sell and convey the said lot, except such part thereof as shall be necessary for the immediate use of said ferry, the said Asa Stannard paying therefor to the state, the yearly rent of one hundred dollars: *Provided however*, That the buildings and improvements made on said military tract, by the widow and heirs of Orange Brace, deceased, or by Lester Brace, shall not be leased to the said Asa Stannard; and that the buildings or improvements which they may have made on said ferry lot, they may remove prior to the fifteenth day of May next.

Proviso.

Lease maybe
extended, &c

II. *And be it further enacted*, That the surveyor-general be, and he is hereby authorised to extend the said lease to a greater length of time, not exceeding three years, on condition that the said Asa Stannard shall give satisfactory security that he will within one year from the first day of May next, build a boat, which shall be propelled by horse power, to be used at the ferry aforesaid.

Rates of fer-
riage how to
be regulated.

III. *And be it further enacted*, That the court of common pleas of the county of Niagara shall, as soon as may be after the first day of May next, and from time to time thereafter, as they shall deem equitable, regulate the rates of ferriage to be allowed and taken at said ferry, and shall in fixing such rates reduce the same, at least one-third, from what is at present charged and received at said ferry.

Recogni-
sance requir-
ed of A. Stan-
nard.

IV. *And be it further enacted*, That before the said Asa Stannard shall be allowed to establish the said ferry, he shall enter into a recognizance before some judge of the court of common pleas of the county of Niagara, who shall have power to take the same, to be filed in the office of the clerk of said court, in the sum of one thousand dollars, that he will at all times, keep two good and sufficient boats for the transportation of such passengers, carriages, wagons, and other things as may be offered to be ferried across the said river, and at all times keep a sufficient number of boatmen to take charge of said boats, or to establish a horse boat, and that he shall not be engaged in any trade or traffic, or in the exportation or importation of any goods, wares or merchandizes, in violation of the laws of this state, or of the United States: *Provided always*, That no ferriage shall be demanded or received, for ferrying across

Proviso.

the said river any of the Indians of the six nations ; and that the Indians of the said six nations, applying for that purpose, shall be ferried across the said river free of expense ; and for any violation of the condition of the said recognizance, the person or persons so recognized, shall be liable to indictment for a misdemeanor, and on conviction thereof the said recognizance shall be declared forfeited, and the privilege granted in pursuance of this act, shall thereupon cease.

V. *And be it further enacted*, That if in the progress of the great western canal, the said ferry should be injured or be necessarily removed, the compensation to be allowed to the said Stannard therefor, shall be made merely in reference to his improvements, and without any computation of the value of the profits of said ferry. Compensation in certain cases.

VI. *And be it further enacted*, That the surveyor-general be, and he is hereby authorised and directed, to lease to Jared H. Randal, the ferry and ferry lot at Lewiston, in like manner, on the same terms, and subject to the same rules, regulations and conditions, to every intent and purpose whatever, as is provided in relation to the said ferry at Black Rock : *Provided*, That no lease of the said ferry shall be executed to the said Jared H. Randal, until the present lease of the same to Augustus Porter and Benjamin Barton shall have expired. Ferry and lot at Lewiston to be leased to J. H. Randal. Previso..

CHAP. CXCV.

AN ACT to amend "an act relative to the Duties and Privileges of Towns."

Passed March 30, 1821.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That no suit brought by a supervisor on a collector's bond, by virtue of the first section of "an act relative to the duties and privileges of towns," passed March 13, 1813, shall be abated or discontinued by any vacancy or change in the office of such supervisor ; but such suit may be continued and prosecuted to effect by his successors in office, in the name of the supervisor who commenced the same ; and in case of the death of such supervisor, a suit may be brought and prosecuted upon the said bond in the name of his personal representatives. Death of a supervisor not to abate certain suits.

CHAP. CXCVI.

AN ACT to divide the town of Leyden, in the county of Lewis.

Passed March 30, 1821.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the first day of April next, all that part of the town of Leyden, lying east of the Black river, be and the same is hereby erected into a separate Town of Watson erected.

town by the name of Watson, and the first town meeting, for the choice of town officers, shall be held at the house of John Beach in said town, on the second Thursday of April; and all the remaining part of the said town of Leyden shall be and remain a separate town by the name of Leyden, and the first town meeting shall be held at the place to which the last town meeting of said town adjourned.

Poor and mo-
nies divided.

II. *And be it further enacted*, That as soon as may be after the first town meeting of the said town of Watson, the supervisors and overseers of the poor of the said towns of Watson and Leyden shall meet together, due notice being first given by the said supervisors for that purpose, and divide the money and poor belonging to the said town of Leyden previous to its division, according to the last tax list of the resident inhabitants of said town, and each of the said towns shall forever thereafter maintain its own poor.

CHAP. CXCVII.

AN ACT relating to the Commissioners of the Land-Office.

Passed March 30, 1821.

Certain bonds
to be cancel-
led.

BE it enacted by the People of the State of New-York represented in Senate and Assembly, That it shall and may be lawful for the commissioners of the land-office, if they shall, under and by virtue of the eighteenth section of the act, entitled "an act concerning the commissioners of the land-office and the sale of the unappropriated lands," passed April 6th, 1813, determine that it is most for the interest of the state, in case of the non-payment of any of the obligations mentioned in the said section, to direct the surveyor-general to proceed to sell the lands therein mentioned; and to forfeit the payments theretofore made on such of the said lands sold by the surveyor-general, and on which no subsequent payments have been made, as in the said section is mentioned, to deliver up and cancel the said bonds given for the lots so ordered to be sold, on the certificates of the sale being surrendered; and it shall in like manner be lawful for them to cancel any bonds given for any of the said lands sold or ordered to be sold by them as aforesaid, before the passing of this act.

CHAP. CXCVIII.

AN ACT for the relief of the county of Onondaga.

Passed March 30, 1821.

Preamble.

WHEREAS it appears to this legislature, that the county of Onondaga stands charged on the books of the comptroller of this state in the sum of two thousand eighty-five dollars and eighty-nine cents; which sum so charged is in consequence of the non-resident lands lying in said county, being twice charged in the valuations of real estates, made in the years 1817, and 1818, under the authority of this state: Therefore,

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be the duty of the comptroller to pass to the credit of the treasurer of the county of Onondaga the sum of two thousand eighty-five dollars and eighty-nine cents, with the interest thereon from the fifth day of September, in the year eighteen hundred and twenty; and the amount so credited shall be certified by the comptroller to the treasurer of this state, who shall thereupon pass the said amount to the credit of the county of Onondaga.

D.2,085.89
passed to the
credit of the
county of
Onondaga.

CHAP. CXCIX.

AN ACT to amend an act, entitled "An act for the establishment of a Court of Common Pleas in the city and county of New-York, and for the appointment of a First Judge of the same."

Passed March 30, 1821.

1. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the first judge of the court of common pleas to be established in the city and county of New-York, pursuant to the act, entitled "An act for the establishment of a court of common pleas in the city and county of New-York, and for the appointment of a first judge of the same," passed February 27, 1821, shall be equally authorised and empowered to do and perform all the duties and exercise all the powers which are or may be done and performed by the recorder of the city of New-York, by virtue of any act or acts of the legislature of this state, or by the several commissioners appointed by virtue of the act, entitled "An act to appoint commissioners to perform certain duties of judges of the supreme court," passed February 25, 1813; and also to do and perform all the duties and exercise all the powers which are given to such recorder or commissioners by any subsequent acts of the legislature, and he shall be entitled to receive therefor the like fees: And further, That any proceedings commenced before the said recorder of the city of New-York, prior to the twelfth day of March instant, under the several acts, entitled "An act for relief against absconding and absent debtors," passed 21st March, 1801, "An act for giving relief in cases of insolvency," passed April 12th, 1813, "An act to abolish imprisonment for debt in certain cases," passed April 7, 1819, and the acts amendatory thereof, may be continued either before the successor in office of the said recorder, or before the said first judge; and that it shall and may be lawful, in case of the death, sickness, absence from the city and county of New-York, resignation or removal from office, of any recorder of the city of New-York, for the said first judge to continue the proceedings commenced before, and discharge the duties of, such recorder, required by the said several acts, in like manner as might have been done by such recorder before whom such proceedings may have been commenced or pending, and so likewise in case of the death, sickness, like absence, resignation or removal from office, of the

Powers of
first judge of
New-York at
chambers.

Fees.

Further powers.

Powers of recorder, &c. said first judge, the said recorder may continue and discharge the like proceedings and duties of the said first judge in the same manner as he might have performed the same had no such disabilities occurred.

CHAP. CC.

AN ACT for the Relief of the County of Tioga.

Passed March 31, 1821.

Preamble.

WHEREAS it has been represented to the legislature that the court-house and gaol, in the town of Spencer, in the county of Tioga, was lately consumed by fire : Therefore,

Courts where held.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That the next court of common pleas, and the next circuit court and court of oyer and terminer, in and for said county, shall be held at such place as the sheriff of said county shall designate, whose duty it shall be to give at least fifteen days notice, to be inserted in the newspapers printed in the said county, of the place where the said courts shall be held ; and it shall be lawful for the said court of common pleas, at their next term, to designate that or any other place in said county for the holding of the then next term thereof, and to adjourn their said court accordingly, and so from term to term till a court-house shall be erected sufficient, in their judgment, for the accommodation of the county ; and the courts of general sessions of the peace shall be held at the same place with the courts of common pleas.

Powers of the courts.

Return of process, &c. confirmed.

II. *And be it further enacted,* That all process and proceedings, both civil and criminal, now or hereafter tested or made returnable at the court-house in said county, shall be adjudged as valid as if a court-house existed in said county at the time of the test or return thereof ; and that all persons summoned or otherwise required to appear at any such court, shall be bound to appear at the place where such courts shall respectively be held.

Prisoners to be confined in Tompkins, or at Elmira, in Tioga.

Provide.

III. *And be it further enacted,* That it shall be lawful for all courts and officers of and for the county of Tioga, in all cases, civil and criminal, to confine their prisoners in the gaol of the county of Tompkins, or in the gaol formerly erected in the town of Elmira, in the county of Tioga, in conformity to the provisions of the act, entitled " An act concerning gaols and places for holding courts," passed February 2, 1807 : *Provided,* That nothing in this section contained shall be so construed as to annul or in any wise affect the liberties of the gaol of said county of Tioga, as now or hereafter established by order of the court of common pleas thereof, or to impair the right of any debtor, taken in execution, to the limits of said liberties.

CHAP. CCI.

AN ACT for the relief of the Dunderbergh and Clove Turnpike Road Company.

Passed March 31, 1821.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the president and directors of the Dunderbergh and Clove turnpike road company shall have full power and lawful authority to exact, demand and receive twenty-five per cent. in addition to their present toll, for all wheel carriages passing through said gate on the said road; and that all persons living within one mile of said gate, going to and returning from market with wood, lumber or other articles, or produce of any kind, shall pay the same toll as other persons travelling said road, any law to the contrary notwithstanding: *Provided nevertheless,* That the legislature may at any time hereafter repeal this act.

Additional toll allowed.

Proviso.

CHAP. CCII.

AN ACT to incorporate the Albany Apprentice's Library.

Passed March 31, 1821.

WHEREAS it has been represented to the legislature that sundry inhabitants of the city of Albany, have made large donations of books, for the establishment of a library in the said city, for the use and benefit of apprentices, and have made application for an act of incorporation, the better to preserve and perpetuate the said institution: Therefore,

Preamble.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That Charles R. Webster, Gerrit Y. Lansing, Benjamin Knower, Ebenezer Baldwin, William Mayell, Gideon Hawley, Asa H. Center, Isaac Q. Leake, John Cook, Nathaniel H. Carter, John Meads, and Joseph Fry, and their successors, be and are hereby constituted and appointed a body corporate and politic, in fact and in name, by the name of "The Trustees of the Albany Apprentice's Library;" and by that name they and their successors, for ever hereafter, shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all cases and places whatsoever; in all manner of actions, complaints, matters and causes whatsoever, and they and their successors may have a common seal, and change and alter the same at their pleasure, and that they and their successors shall be for ever capable in law to purchase, take, receive, hold and enjoy any estate, real and personal, whatsoever, to the use of them, and their successors, and also to sell and dispose of the same, hereby confirming to the said trustees, and their successors, all grants and donations heretofore made, to the use of the said insti-

Corporation created.

Style and general powers.

- Previao.** tutio*n* : *Provided always*, That the yearly income of said estate shall not at any time exceed the sum of five hundred dollars.
- Trusteer.** II. *And be it further enacted*, That there shall be twelve trustees of the said corporation, five of whom shall form a quorum for the transaction of any business : *Provided*, That due notice of all meetings be given to each trustee, or left at his place of abode, previous to such meeting ; and whenever the office of any trustee shall become vacant by death, resignation, or removal out of the city of Albany, the vacancy occasioned thereby shall be supplied by the remaining trustees, at any regular meeting thereof, by election of some other person residing in the said city of Albany.
- Vacancier.**
- Further general power.** III. *And be it further enacted*, That the said trustees and their successors shall have the same powers as corporate bodies formed under and in pursuance of the act, entitled " An act to incorporate such persons as may associate for the purpose of procuring and erecting public libraries in this state," passed April 1st, 1796.

CHAP. CCIII.

AN ACT to enforce certain Penal Statutes, and for other purposes.

Passed March 31, 1821.

Defendant to be imprisoned in certain cases, if no goods are found. I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That whenever any execution shall be issued for the collection of any judgment, rendered after the first day of June next, for any penalty incurred under any of the acts mentioned in the act, entitled " An act to require overseers of the poor to sue for penalties incurred under certain penal statutes," passed February 18th, 1820 ; and it shall be the duty of the justice issuing the same, to state in the body of the execution, or endorse thereon, briefly the cause for which such judgment was rendered, and thereupon the defendant in such execution shall, in case no goods or chattels can be found to satisfy the same, forthwith be committed to the common gaol of the county where such judgment is rendered, until such judgment is satisfied, and shall not be entitled to have the liberties of the gaol limits : *Provided however*, That the whole time of the imprisonment of any such person shall not exceed ninety days.

Part of former act repealed. II. *And be it further enacted*, That so much of the seventh section of the act, entitled " An act to lay a duty on strong liquors, and for regulating inns and taverns, as prohibits any person from selling metheglin, beer, or cider, to be drunk in his or her house, out house, yard or garden, without having first entered into the recognizance provided for by the said act, be and the same is hereby repealed.

Children found begging in cities to be sent to alms house. III. *And be it further enacted*, That if any child or children, shall be found begging for alms, in any of the cities in this state, and whose parent or parents, is or are not a charge to such city, as a pauper or paupers, it shall and may be lawful for any magistrate of such city, to take up and send such child or

children to the alms-house, or other place for the support of the public poor of such city, there to be detained and supported until such child or children shall become of sufficient age to be bound out, or until some fit and proper person or persons shall be found to take such child or children, when it shall be the duty of the overseers of the poor of such city, to bind out such child or children, in the same manner as is prescribed in the act, entitled "An act concerning apprentices and servants."

And whereas the common council of the city of Albany, under their common seal, have prayed that they may be authorised to reduce the salary of the mayor of the said city, to a sum not less than four hundred dollars : Therefore,

Mayor of Albany's salary

IV. *Be it further enacted*, That it shall and may be lawful for the common council of the said city, to give and grant unto the mayor thereof, for the time being, in lieu of all fees and perquisites, such yearly salary, not exceeding twelve, nor less than four hundred dollars, as the said common council shall direct, payable out of the treasury of the said city, quarter yearly, any law to the contrary notwithstanding.

Fees how to be disposed of.

CHAP. CCIV.

AN ACT respecting Intrusions on Indian Lands.

Passed March 31, 1821.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall be unlawful for any person or persons, other than Indians, to settle or reside upon any lands belonging to or occupied by any nation or tribe of Indians within this state, and that all leases, contracts, and agreements, made by any Indians, whereby any person or persons, other than Indians, shall be permitted to reside upon such lands, shall be absolutely void ; and if any person or persons shall settle or reside on any such lands contrary to this act, it shall be the duty of any judge of any court of common pleas of the county within which such land shall be situated, on complaint made to him, and on due proof of the fact of such settlement or residence, to issue his warrant under his hand and seal, directed to the sheriff of such county, commanding him within ten days after the receipt thereof, to remove such person or persons, so settling or residing with him, her or their families, from such lands ; and it shall be the duty of such sheriff accordingly, within the time aforesaid, to remove such person or persons, and for that purpose he shall have and possess the same powers as in the execution of criminal process ; and such judge, for issuing such warrant and taking the preliminary proof, shall be entitled to receive a fee of one dollar in each case ; and such sheriff, for executing the said warrant, shall be allowed such compensation as the comptroller shall certify to be reasonable ; which fees shall be paid by the treasurer on the warrant of the comptroller, out of any monies in the treasury not otherwise appropriated.

Persons prohibited from settling on Indian lands, and from certain other acts.

Duty of sheriff.

Penalty on
certain offend-
ers return-
ing, &c.

II. *And be it further enacted*, That if any person or persons, after being so removed as aforesaid, shall return to settle or reside upon any lands occupied by or belonging to any nation or tribe of Indians within this state, such person or persons, so offending, and being thereof convicted before any judge of the court of common pleas of the county where such lands are situated, upon the confession of the party offending, or proof of any witness or witnesses on oath, then the said judge, before whom such conviction shall be had, shall direct and send his warrant, under his hand and seal, to the sheriff of the said county, commanding him to arrest such person or persons forthwith, and to commit him or them to the common gaol of the said county, there to remain for the space of thirty days ; and such sheriff shall accordingly arrest and commit such person or persons to the said common gaol for the term of time aforesaid, there to remain, without bail and without being entitled to the liberties of the limits of the said gaol ; and such judge shall cause such conviction to be drawn up and filed in the office of the clerk of the county ; and no such conviction or adjudication shall be liable to be removed by certiorari or otherwise, but shall be deemed and taken to be final.

Duty of sher-
riff.

Law when to
take effect.

Proviso.

III. *And be it further enacted*, That the foregoing provisions of this act shall go into effect on the first day of July next, and not until that time ; and that from and after the said first day of July next, the eleventh section of the act, entitled " An act relative to the different tribes and nations of Indians within this state," passed 10th April, 1813, be and the same is hereby repealed : *Provided*, That all prosecutions which now are or may be commenced under the said section previous to the said first day of July next, shall and may be proceeded in to trial, conviction and punishment, in the same manner as if this act had not been passed.

Certain pro-
secutions dis-
continued &
prohibited.

IV. *And be it further enacted*, That all prosecutions now pending against any settlers on the lands belonging to the Stock-bridge tribe of Indians, shall be discontinued ; and that no prosecutions shall be commenced against the said settlers either under this act or under the eleventh section of the " Act relative to the different tribes and nations of Indians within this state," within three years from and after the first day of May next.

Duty of dis-
trict attor-
neys.

V. *And be it further enacted*, That it shall be the duty of the respective district attorneys of the several counties of this state, in which any lands belonging to any Indian tribe shall be situated, to prosecute, in the name of the people of this state, for any penalties that may be incurred under and by virtue of the act, entitled " An act to prevent trespasses on Indian lands within this state," passed April 2d, 1813 ; and one half of all monies collected for violations of the said act, shall be paid to the treasurer of such county, and the other half thereof shall be paid to the Indian tribe on whose lands the said trespasses shall be committed ; and that so much of the second section of the said recited act as is contrary to the provisions of this section, be and the same is hereby repealed.

Further du-
ties of dist.
attorneys.

VI. *And be it further enacted*, That it shall be the duty of the said district attorneys respectively, to make complaint of all intrusions upon Indian lands, forbidden by this act, and from time to time to make inquiries whether any persons other than Indians

are settled upon such lands, and to cause them to be removed in the manner herein prescribed, and in case of their return, to complain to some judge of the county, that the provisions of this act may be carried into effect ; and for their attendance before any such judge, on making such complaint, they shall respectively be allowed the same fees as for the trial of an indictment in the court of general sessions of the peace, to be paid in like manner as those fees are now paid by law.

CHAP. CCV.

AN ACT *relative to a Bridge over the Wallkill, near the village of New-Paltz, in the county of Ulster.*

Passed March 31, 1821.

WHEREAS it has been represented to the legislature that Jacob Wirtz, Isaiah Hasbrouck, Peter Deyo, David Sutton, Philip Dubois, Nathaniel Lefever, and Benjamin H. Deyo, have lately erected a bridge across the Wallkill, near the village of New-Paltz, the expense whereof hath been defrayed by private subscription, excepting about three hundred dollars, which the before named persons have advanced or become responsible for : *And whereas* it hath been further represented, that it will be beneficial to the inhabitants of the town of New-Paltz, and to the public, to have the said bridge covered in such manner as to protect it from the weather, and preserve it from decay : Therefore,

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That the supervisors of the county of Ulster, at their next annual meeting, shall cause to be assessed and collected, on and from the freeholders and inhabitants of the town of New-Paltz, in the county of Ulster, in the same manner as other contingent charges of said town are by law directed to be levied and collected, the sum of eight hundred dollars, in addition to the sum which they are by law authorised to levy and collect for the improvement of roads and bridges in said town, for the purpose of completing and covering the said bridge, and that it shall be the duty of the collector of the said town of New-Paltz, and he is hereby required to pay the said sum of eight hundred dollars, when so collected, to the supervisor of the said town, and take his receipt for the same ; and it shall be the duty of the supervisor to pay the same in the manner herein after directed.

II. *And be it further enacted,* That Jacob Wirtz, Isaiah Hasbrouck, and Peter Deyo, shall be and are hereby appointed commissioners to superintend the completing and covering of the said bridge, and it shall be the duty of the commissioners aforesaid to cause the same to be done as soon as may be after the passing of this act, and without delay ; and it shall be the further duty of the commissioners aforesaid, after completing and covering the bridge as aforesaid, to notify the commissioners of highways of the town of New-Paltz aforesaid, whose duty it shall be on receiving such notice, to meet with the commissioners appointed by this act, at

the time and place to be specified in such notice, to examine and audit the accounts of the commissioners appointed by this act for completing and covering the said bridge, and also the amount of money expended by the commissioners named in the preamble of this bill, over and above the amount by them received and collected by voluntary subscription, and certify the said several amounts and expenditures to the said supervisor, who shall, on the receipt of such certificate from the commissioners of highways aforesaid, pay the said several amounts to the commissioners appointed by this act, and named in the preamble to the same : *Provided*, the said several sums shall not exceed the sum of eight hundred dollars ; and if the said several expenditures to be certified as aforesaid shall not amount to the sum of eight hundred dollars, the supervisor shall pay the balance to the overseers of the poor of the town of New-Paltz aforesaid, and it shall be the further duty of the commissioners appointed by this act, to notify the supervisor of the town of New-Paltz, on or before the next annual meeting of the supervisors of said county, that the said bridge is completed and covered : *Provided*, no such notice is given to the supervisor of said town and by him stated to the board of supervisors of said county, it shall not be lawful for the supervisors to raise the money as directed in the first section of this act.

Proviso.

*Penalty for
injuring
bridge, &c.*

*Or for pass-
ing over at
an immod-
erate speed.*

*Notice to be
kept up, &c.*

III. *And be it further enacted*, That if any person or persons shall wilfully do, or cause to be done, any illegal act whatsoever, whereby the said bridge or any thing appertaining to the same, shall be impaired, weakened or injured, every person so offending shall forfeit and pay to the commissioners appointed by this act, or any one of them, treble the amount of damages sustained by means of such offence or injury, and it shall not be lawful for any person or persons, to drive any horse or team on the said bridge faster than on a walk, nor for any drover to drive a larger number of cattle than fifteen, over or on the said bridge, at any one time, such person shall pay a fine not exceeding three dollars for every offence ; and all such fines and forfeitures shall be recovered by the said commissioners, or either of them, in an action of debt, with costs of suit, before any court having cognizance of the same, for the use and benefit of the said bridge ; and it shall be the further duty of the said commissioners appointed by this act, to cause to be kept up and continued at each end of said bridge, a conspicuous notice or memorandum of the offences and penalties, and no such fine or penalty shall be recovered except upon satisfactory proof of such notice or memorandum at the time of committing such offence.

CHAP. CCVI.

AN ACT relative to the Eastern Branch of the Schoharie Turnpike Road.

Passed March 31, 1821.

Preamble.

WHEREAS sundry inhabitants of the county of Greene have, by their petition, represented to the legislature that the president,

directors and company of the Eastern Branch of the Schoharie Turnpike Road have for some time wholly neglected to repair it, so that it is now almost impassable, and praying that a law may be passed authorising the said inhabitants, who reside near the said road, to work upon and keep the same in repair : Therefore,

BE it enacted by the People of the State of New-York, Division into road districts
represented in Senate and Assembly, That it shall and may be lawful for the commissioners of highways of the several towns through which the said turnpike road passes, to divide the same into as many road districts as they shall judge convenient, and to assign to each of the said districts such of the inhabitants within half of a mile of the said turnpike road, liable to work on highways, as they shall think proper, having regard, as much as may be, to their proximity of residence to the said road : and it shall be the duty of the several overseers of highways, through whose districts the said road passes, to cause the same to be worked by the said inhabitants, and to keep the same in repair : *Provided,* That nothing in this act contained shall be construed to deprive the said company of their rights to erect gates, and to collect tolls, according to the provisions of their act of incorporation, and the several acts amending and in relation to the same. Duty of overseers of highways.
Proviso:

CHAP. CCVII.

AN ACT relative to the Public Administrator in the City of New-York.

Passed March 31, 1821.

I. *BE it enacted by the People of the State of New-York,* Further powers of public administrator
represented in Senate and Assembly, That it shall be lawful for the public administrator in the city of New-York, to take upon himself the administration of such effects as may arrive at the said city, after the death of any intestate, dying abroad, in the same manner as if such intestate had died in the said city.

II. *And be it further enacted,* That in all cases where any person or persons are indebted to the estate of any intestate, whose effects may be administered upon by the public administrator, or where any persons may have in their possession, or power, any effects belonging to such estate, or where there is probable cause to believe so, and such person or persons shall refuse to deliver the same to the said public administrator, on demand, the said public administrator may forthwith commence a suit for the same, before any letters of administration have been granted to him ; which suit shall be commenced and sustained, and the pleadings shall be drawn in the same manner as if such letters had been granted before such suit was brought ; and in such case no actual profert in court of such letters shall be required, unless the same shall have been previously granted to such administrator, and that the public administrator, or any other person, being sued for doing any thing by virtue of this act, may plead the general issue, and give this act and the special matter in evidence, under such issue. Suits to be brought by him before administration granted.

His powers,
ex officio,
over estates
worth not
more than
25 dollars.

Previse.

Investiga-
tions before
the surrogate
or any court
in New-York

Subpoenas to
be issued.

Suits when
commenced,
&c.

III. *And be it further enacted*, That it shall be the duty of the said public administrator, ex-officio, to take the charge, sue for, administer, settle and adjust, as in other cases, the estates of all such intestates as aforesaid, the appraisement whereof shall not exceed in value the sum of twenty-five dollars, without obtaining letters of administration from the surrogate: *Provided*, That the said public administrator shall furnish an account, in such cases, to the common council of said city, and publish the balance unadministered in his hands, if any, with the name of the deceased, as in other cases, according to the provisions of the law in other cases.

IV. *And be it further enacted*, That when it shall appear by affidavit, that any intestate died in the said city, possessed of, or that some short time previous to his or her death, was the owner, or had possession of any goods, chattels, or credits; and that the same since the death of such intestate have not been delivered to said public administrator, nor accounted for in a lawful and satisfactory manner by such persons as were about the deceased in his last sickness, or in whose hands the effects of the deceased are supposed to have at any time fallen; that the said public administrator may, in such case, at his discretion, institute an enquiry concerning the personal estate of such intestate, before the surrogate of the said city, or in the absence of the surrogate, before any court in the city of New-York; and it shall be the duty of such surrogate or court, on such affidavit as aforesaid being produced, to grant a citation, subpoena or subpoenas, to such person or persons, as the said public administrator may require, which subpoena shall be sued out and served in the same manner as other citations or subpoenas, issued by the said surrogate or court, and shall command the witness to appear before such surrogate or court, and such surrogate or court shall administer an oath to such person or witness "that he will true answers make to such questions as may be asked him in a certain matter of enquiry, concerning the personal estate which was of one _____, deceased, and therein speak the truth, the whole truth, and nothing but the truth;" and shall then proceed to examine such person or witness concerning the same; and such surrogate or court shall have the like power over such witness, to command his attendance and obedience, as such surrogate or court has over witnesses in other cases; and if any of the personal estate of such intestate, shall be discovered by such inquiry, and the same is not delivered to the said public administrator, he may commence a suit therefor, as in ordinary cases; that the costs of such enquiry shall be paid by the said public administrator, out of the intestate's estate, except any person so cited or witness, shall be attached, or in default, for disobedience or contempt of the said judge or court, then the proceeding against such person or witness shall be paid as the said surrogate or court shall direct,

CHAP. CCVIII.

AN ACT directing the manner in which certain services rendered for the People of this State shall be paid.

Passed March 31, 1821.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That it shall be the duty of the supervisors in the several counties of this state, to audit and allow a reasonable compensation for all services which hereafter shall be performed by any constable in executing process on persons charged with a criminal offence, or breach of the peace, and for the service of subpoenas issued, to compel the attendance of witnesses on trials in the several courts of oyer and terminer, and general sessions of the peace, and such other services in relation to criminal proceedings, for which specific compensation is not prescribed by law. Allowances to constables.

II. *And be it further enacted,* That it shall be the duty of the said supervisors, to audit and allow to every sheriff within this state, the compensation prescribed by law for the commitment and discharge of prisoners on criminal process, within their respective counties, and the amount of every allowance made in pursuance of this act, shall be raised, levied and collected in the same manner as the other contingent expenses in the said counties respectively. Of sheriffs.

CHAP. CCIX.

AN ACT relative to the Gospel and School Lot, in the town of Camillus.

Passed March 31, 1821.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the trustees of the town of Camillus, in the county of Onondaga, who may hereafter be appointed to take charge of the gospel and school lot in said town, or of the funds that have or may arise therefrom, shall, before entering on the duties of their office, and within ten days after their appointment, give a bond to the supervisor or town clerk of said town, with such security and in such penal sum as the said supervisor or town clerk shall deem satisfactory, for the use of said town, conditioned that such trustee or trustees shall well and faithfully execute and perform the duties of his or their office according to law, and that default of giving such security shall be deemed a refusal to serve. Trustees to give bond, &c.
Condition.

CHAP. CCX.

AN ACT to amend an act, entitled "*An act to amend an act, entitled "An act authorising the building of a Toll Bridge over the Oswego river," passed March 28, 1817.*

Passed March 31, 1821.

Preamble.

WHEREAS by an act of the legislature of the state of New-York, passed March 28, 1817, authority was given to Barnet Mooney and others, associates for the purpose of building a toll bridge over the Oswego river, below and not to exceed one mile from the Oswego falls: *And whereas* the charter was, on the seventeenth day of March, one thousand eight hundred and twenty, extended two years: *And whereas* the shares of the stock have been relinquished to Nehemiah B. Northrop, who is building said bridge at his own expense: *And whereas* the directors and former stockholders of the company, by said act incorporated, have, by their petition, prayed for an amendment of said act, so that all the privileges contained therein shall belong and be confirmed unto the said Nehemiah B. Northrop, and his heirs and assigns: *And whereas* the said petitioners have represented that it is necessary to build an expensive bridge in order to make it permanent: Therefore,

N. B. Northrop to complete bridge, &c.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That the act entitled "*An act authorising the building of a toll bridge over the Oswego river,*" passed March 28, 1817, be, and the same is hereby, so amended as to allow the said Nehemiah B. Northrop, and his heirs and assigns, to enjoy all the privileges granted to said company, and to complete said bridge at his and their own cost, expense and management, according to the sixth section of said act, excepting the width, which may be eighteen feet: *Provided,* That the railing shall be boarded; and there shall be a partition of the height of four inches, along the middle of said bridge, to prevent teams from interfering with each other in passing; and to have three years from and after the first day of January, one thousand eight hundred and twenty-one, to complete said bridge; and to demand and receive the same toll as prescribed in the sixth section of said act, for and during the term of thirty years, subject, however, to the reduction specified in the ninth section of said act, any thing contained in the act hereby amended to the contrary notwithstanding.

Proviso.

Privileges when to cease, &c.

II. *And be it further enacted,* That if the said Northrop, his heirs and assigns, shall, at any time after the said bridge is completed, neglect to keep the same in good and sufficient repair, or to rebuild the same as often as it may be necessary, then and in such case the privileges hereby granted shall cease.

CHAP. CXI.

AN ACT further to amend the act, entitled "An act to Organize the Militia."

Passed March 31, 1821.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That all the militia of this state shall rendezvous by companies, in their respective beats, on the first Monday in June, in each year, at nine o'clock in the forenoon, (instead of the first Monday in September, as is directed in and by the ninth section of the act entitled "An act to organize the militia,") for the purpose of training and improving in martial exercise.

Militia to rendezvous in companies 1st Monday in June yearly.

II. *And be it further enacted,* That every non-commissioned officer, musician and private, of every uniform company, or troop raised, or hereafter to be raised, according to law, (except the uniform companies and troop companies in the city of New-York,) who has heretofore uniformed himself, or shall hereafter uniform and equip himself, and serve in said company or troop for fifteen years from the time of his enrolment in said company or troop, shall be forever thereafter exempted from doing militia duty in this state, except in cases of insurrection and invasion; and the certificate of the captain of such company or troop, countersigned by the commandant of the regiment or battalion, to which such company or troop belongs, shall be ample or complete evidence of such service; and also, that every such non-commissioned officer, musician and private, of such uniform company as aforesaid, who shall at any time produce a certificate dated within three months of the time when he produces the same, signed by the commanding officer of such company or troop, that he belongs to such company or troop, shall not be compelled to serve on any jury within this state, whilst he actually belongs to such company or troop, and is equipped and uniformed according to law; and it shall be the duty of such uniform companies and troops to rendezvous by companies, within their respective beats, in addition to the day required by the first section of this act, one day in each year, at such time and place as the respective commandants may direct.

Service for 15 years in an uniform corps exempts from further duty, &c.

Proof required.

Exemption from jury duty.

To train one day more each year.

III. *And be it further enacted,* That when any citizen of the city of New-York, who does not belong to any volunteer corps, shall join any uniform company in said city, such citizen shall be exempt from serving in the company of infantry, within whose beat he resides, so long as he does duty in such company.

Serving in N. York in an uniform corps exempts from service in the beat, &c.

IV. *And be it further enacted,* That the commanding officer of each regiment and separate battalion of infantry and riflemen; shall, on or before the first Monday in June, in each and every year, appoint a regimental or battalion court martial, to consist of three members, one of whom, if practicable, shall be a field officer and be president thereof, and the other two members are to be taken from the officers of said regiment or battalion, or of any other corps attached to a regiment for review and inspection; that the officer appointing the said court may order the same to convene

Regimental or battalion court martial.

President & members.

When to convene.

Vacancies.

Powers of courts.

Fines.

Proviso.

Further proviso.

Oath of members of court martial.

Before whom taken.

Subpoenas.

Witnesses.

Sheriffs, &c.

Contempts before courts

whenever he shall deem it expedient, and when once convened, the said court may adjourn, from time to time, as shall become necessary for the transaction of business ; and in case any vacancy shall happen in the said court, or a new court shall be required, the officer ordering the said court, or his successor in command, may fill such vacancy, or order a new court ; which said court martial shall have the trial of all delinquents and deficiencies in any corps in any wise attached to the said regiment or battalion for review and inspection, including the cavalry and artillery ; and in cases where captains or subaltern officers subject themselves to fines for not performing the duties required of them, the courts martial shall have power to hear the excuses of all such delinquent officers, in their respective regiments or battalions ; and in case no sufficient excuse is offered to said court, it may levy such fines as is authorised by this act, or the acts hereby amended, on the said officers, in the like manner as the fines on delinquents in the regiment are hereafter ordered and directed to be levied and collected : *Provided*, Nothing herein contained shall prevent any captain or subaltern officer from being tried and cashiered, for neglect of duty, by a court martial to be ordered by the brigadier or commanding officer of brigade : *And provided further*, That nothing in this act contained relative to courts martial and payment of monies collected for fines, penalties, &c. shall in any wise extend to the city and county of New-York.

V. *And be it further enacted*, That the president of each regimental or separate battalion court martial, shall, before the said courts proceed on the duties assigned to them, administer to each member, and each member is hereby directed to take, the following oath : " You, ———, do swear, that you will well and truly try and determine, according to evidence, the matter now depending between the people of the state of New-York and the person and persons to be tried ; and you do further swear, that you will not, upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of the said court, unless required to give evidence thereof by a court of justice in a due course of law : " which oath shall be taken by the president of the said court martial before he enters upon the duties of his office, for which purpose he shall appear before one of the justices of the peace of the said county where he resides, which justice is hereby required to administer the aforesaid oath to such president, without receiving any fee or reward for the same ; and the president of the said courts martial shall, both before and after he shall have been sworn as a member of said court, issue subpoenas for all witnesses, whose attendance at such court may, in his opinion, be necessary, in behalf of the people of this state, and also on application for all witnesses in behalf of any person charged, accused, or returned as delinquent ; and the president of any such court martial shall have power to administer the usual oath to witnesses, and have the same power to compel attending witnesses to be sworn and to testify, as courts of common law jurisdiction ; and all sheriffs, gaolers and constables are hereby required to execute any precept issued by such president for that purpose.

VI. *And be it further enacted*, That any person or persons who shall be guilty of disorderly, contemptuous or insolent behaviour

in, or use any insulting, or contemptuous, or indecorous language or expression to or before, any court martial, or court of inquiry, or any member of either of such courts, in open court, may be committed to the gaol of the city or county in which such court shall sit, by warrant, under the hand and seal of the president of such court, to be directed to all or any or either of the constables and marshals, or sheriffs, of any such city or county, or any officer attending said courts, there to remain without bail or mainprize, in close confinement, for a time to be limited, not exceeding three days, and until the officers' fees^{for committing, and the gaoler's fees, be paid ;} and the sheriff of such city or county is hereby empowered and required to receive the body of any person who shall be brought to him by virtue of such warrant, and him to keep until the expiration of the time mentioned in such warrant, and until the said officers' and gaoler's fees shall be paid, or until the said offender shall be discharged by due course of law ; and for all services and commitments under this act, the sheriff, gaolers, marshals and constables executing the same, shall have the like fees as in other cases.

Duty of sheriff, &c.

Fees.

VII. *And be it further enacted,* That every commanding officer of a company within any regiment or separate battalion, or of any company attached to a regiment for the purpose aforesaid, including the cavalry, shall, within ten days after any parade, furnish the president of the regimental or battalion court martial, for such regiment or battalion, with a return of all persons belonging to his company who have been at such parade delinquent in the performance of duty, or deficient in equipments or uniform required by law, or who have by any means incurred any fine or penalty under this act, or the " Act to organize the militia," or the amendments thereto ; and the adjutant of each regiment, or the person acting as such, shall, within ten days after a regimental or battalion parade, or rendezvous of commissioned or non-commissioned officers and musicians, furnish the president of said courts martial with a return of all delinquents under the rank of major, in the staff and line ; and the president of the said courts martial shall direct a non-commissioned officer, or other fit person to be by him designated, to summon all delinquents and parties accused, to appear before the said court at a time and place by him to be appointed, and the said non-commissioned officer or other person designated as aforesaid, shall make the like return, and with the like effect, as commissioned and non-commissioned officers are authorised and required to make in cases of warning to company or regimental parade, and shall be subject to like penalties for neglect of duty therein, as is provided for non-commissioned officers in the said act to organize the militia.

Returns of delinquents to president of court.

Duty of adjutant.

VIII. *And be it further enacted,* That all fines that shall be imposed by any court martial on delinquents, shall be reported by the president of the said court to the officer ordering the court, or his successor in command, within ten days after they shall have been imposed ; and for the purpose of collecting said fines, the presidents of the said court shall, within ten days after the said fines have been imposed, make a list of all the persons fined, designating the company to which they belong, and the sums imposed as fines on each person, and draw his warrant under his

Report of fines to be made, and to whom.

Warrant for the collection of fines.

Duties of
marshals,
constables
and gaolers.

Warrants
how to be ex-
ecuted.

Fees.

Warrants
may be re-
newed.

Fines to be
paid to presi-
dent.

Allowance
per diem to
members of
court.

To be deduct-
ed from fines
and remain-
der to whom
payable.

hand and seal, directed to any marshal or constable of any city or county, (as the case may be,) thereby commanding such marshal or constable to levy such fine or fines, together with his costs, of the goods and chattels of such delinquent; and if any such delinquent shall be under age and live with his father or mother, master or mistress, as the case may be, and in case the property of such delinquent cannot be found wherewith to satisfy the same, it shall and may be lawful for such marshal or constable to take the body of the said delinquent, and convey him to the gaol of the city or county wherein such delinquent shall reside, and the gaoler is hereby directed to receive and keep him closely confined, without bail or mainprize, the space of ten days, for any fine not exceeding two dollars, and two additional days for every dollar over two dollars of such fine, unless he shall have paid such fine, together with the costs of serving the said warrant and the gaoler's fees, and a clause shall be inserted in the body of such warrant to authorise the taking and committing such delinquent as aforesaid; and every such marshal or constable, to whom any such list and warrant as aforesaid shall be directed and delivered, shall execute the same by levying and collecting the said fines, or by taking the body of the delinquent as aforesaid, in any city, town or county in this state, and shall make return thereof, within forty days from the receipt of such warrant, to the president who issued the same; and such marshal or constable shall be entitled to the same fees for collecting the said fines, and subject to the same penalties for any neglect, as are allowed and provided for on executions issued in pursuance of the act entitled "An act for the more speedy recovery of debts to the value of twenty-five dollars;" and if the said marshal or constable shall not be able to collect the fines within the forty days aforesaid, then in that case the said presidents may, at any time thereafter, within two years from the time of levying the same, issue new warrants against any delinquent or delinquents, and renew the same from time to time as may become necessary; and any warrant for the collection of fines, issued by virtue of this act, shall and may be renewed in the same manner that executions issued from justices' courts are now by law renewed; and the monies arising from fines imposed by the said courts, shall be paid by the officers collecting the same to the presidents of the respective courts martial; and the said presidents respectively shall retain out of the monies received by them, as presidents of said courts martial, the sum of one dollar and twenty-five cents for each and every day that they may be actually employed in holding said courts, and in and about the business thereof; and they shall also allow and pay, out of the money so received, to the members of the said courts martial, the sum of one dollar and twenty-five cents for every day they may sit on said courts, and to the non-commissioned officer or other person, who shall have summoned the said delinquents to appear before said courts, the sum of one dollar and twenty-five cents for every day employed in summoning said delinquents, or in attending the said courts; and these sums, when actually paid by them respectively, shall be deducted from the sums so received for fines, and the remainder of the money received by them shall be paid to the officers ordering the said courts, respectively, or to their successors; and the said

presidents shall, from time to time, as often as they shall be requested, furnish to the said officers ordering the said courts, or to their successors in command, respectively, a correct statement of all monies received by them on account of fines, and of all fines imposed; and it is hereby made the duty of the officers instituting said courts, or their successors in command, to make such request within sixty days after any of the said courts shall be held; and in case the said presidents shall wilfully refuse or neglect, for the space of ten days, to comply with such request, they shall be liable to be tried and cashiered therefor; and the officers ordering the said courts, or their successors in command, shall and may expend such sums of money for the purchase of colors and for instruments of martial music, for the regiments and battalions, as by them shall be thought necessary, and the remainder they shall pay, by the first day of April next after receiving the same, to the commanding officers of brigade; and shall, as often as they are required, furnish to the said commanding officers of brigade, a true and particular account of all monies received and expended; and the said commanding officers of brigades shall require the said officers instituting courts martial, or their successors in command, to account on or before the first day of May in each and every year, and at such other times as he shall think proper; and the said officers instituting said courts martial, and their successors in command, for wilfully neglecting or refusing to furnish such account when thereto required, shall be liable to be tried and cashiered; and the said commanding officers of brigades shall pay the monies which may be so received by them over to the adjutant-general, and shall render a true and specific account of all monies received as aforesaid to him on request, and shall, for neglecting or refusing so to account with adjutant-general for the space of sixty days, be liable to be cashiered; and the officers ordering the respective courts martial, or their successors in command, shall audit and settle the account of expenditures by the said courts, and the president thereof; and the commanding officers of brigades shall audit and settle the accounts of the commanding officers of regiments or separate battalions; and the adjutant-general shall audit and settle the accounts of the commanding officers of brigades, and shall pay into the treasury of this state all monies received from the commanding officers of brigade.

Statements required, and penalty for neglect, &c.

Money for colors and music.

Accounts to officers of brigades.

Penalties.

Monies payable adj. gen. and accounts to be rendered, and penalties, &c.

Monies payable into the treasury.

Suits authorized for monies collected or received.

IX. *And be it further enacted*, That it shall be the duty of the several officers, to whom monies are by this act directed to be paid over, to sue for and recover such monies in their own names, but to the use herein directed, in an action for money had and received by the person so as aforesaid directed to account and pay over the same, in case of refusal or neglect; and it shall be lawful for the officer, so suing, to retain out of the money which he may recover, all the necessary and reasonable expenses which he may incur in such suits; and it shall be the duty of the respective presidents of courts martial, to prosecute, in their own names, any marshal or constable for any penalty for neglect of duty incurred under the eighth section of this act; and the monies arising from such penalties, when collected, to be applied as other monies are directed to be applied in and by this act.

Duty of commandants of reg'ts to notify to rendezvous.

X. *And be it further enacted*, That it shall be the duty of the commandants of the regiments to notify all regimental, brigade, or division staff officers, under the rank of full colonel, resident within the beats of their regiment, to rendezvous with the commissioned and non-commissioned officers and musicians; and it shall be the duty of the said staff officers to appear at such rendezvous equipped and uniformed as the law directs, and for neglecting or refusing so to do they shall be subjected to the same fines and penalties as officers of the regiments respectively are.

Adj. gen. to keep a roster.

XI. *And be it further enacted*, That the adjutant-general shall keep a roster of all the officers of the militia of this state, above the rank of captain, containing the date of their commissions, their rank, the corps to which they belong, the division, brigade and regiment of such corps, and the places of their residence, as accurately as can be ascertained; which said roster shall be revised each and every year; and the said adjutant-general shall also enter in a book, to be by him kept for that purpose, a local description of the several regiments, brigades and divisions of infantry, artillery and riflemen; and it shall be the duty of the commandants of divisions and brigades to furnish the adjutant-general with a roster of their officers, containing the facts requisite to enable him to comply with the provisions of this law, and also a description of the regiments and brigades; and that the books required by the adjutant-general to comply with this section, shall be furnished at the expense of this state, and that such books shall go to the successors of such adjutant-general.

To keep a book, &c.

Duty of commandants of divisions and brigades.

Proceedings of courts martial to be transmitted to adj. gen.

XII. *And be it further enacted*, That the proceedings of every court martial for the trial of any officer upon charges exhibited against him, shall be transmitted by the officer instituting the said courts, with his doings thereon, to the adjutant-general, to be kept in his office, and copies of the same or of any parts thereof, or of any other papers or entries required to be kept in his office, certified under his hand, shall be prima facie evidence in all courts martial.

Promotion of staff officers prohibited, unless, &c.

XIII. *And be it further enacted*, That in no case shall any commissioned staff officer be appointed to a command in the line in the regiment, battalion, or company, in which he belongs, unless he shall have been taken from the line of commissioned officers, and in that case shall not be entitled to or receive any such appointment in the line, unless he would have been entitled to it by right and rank had he remained therein.

Appeals from sentence of court martial.

XIV. *And be it further enacted*, That from the sentence of any regimental or battalion court martial, imposing a fine for any delinquency, an appeal, if made within thirty days, shall be allowed by the officer instituting said court, who may remit or mitigate the same; and in that case shall give notice thereof to the president of such court, or to the constable or marshal, as the case shall then require.

Artillery returns.

XV. *And be it further enacted*, That it shall be, and it is hereby made, the duty of all commandants of companies of artillery, to make returns of the number and equipments of their company to their respective commandant of regiment or battalions, on or before the first day of November in each year.

XVI. *And be it further enacted*, That all monies collected for any fines imposed by any court martial for delinquencies in any company of cavalry or artillery, shall be paid by the officer instituting said court to the commandants of said company, to be by them applied in the purchase of musical instruments for said company: *Provided however*, That the said companies shall bear an equal proportion of all the expenses of the said court: *And provided further*, That nothing herein contained shall be construed to repeal or modify the tenth and so much of the ninth section of the act entitled "An act to amend an act to organize the militia," as relates to the artillery in the counties of New-York and Kings.

Fines of cavalry or artillery, how applied.

Provision.

New-York and Kings.

XVII. *And be it further enacted*, That every captain or commandant of a company may enrol at least two and not more than four persons, residing in his beat, who are desirous and willing to be enrolled in such company as musicians; and such persons, so enrolled, shall perform the duty of musicians in said company, instead of serving as privates therein, and shall respectively be entitled to the same privileges and exemptions as is by this act extended to non-commissioned officers and privates in uniform companies, and subject to the same fines and penalties for the non-performance of the duty aforesaid, as non-commissioned officers are liable to for absence from any parade directed by this act or the act hereby amended.

Musicians how enrolled, &c.

XVIII. *And be it further enacted*, That every regiment or battalion of artillery, flying artillery or riflemen, already formed, or hereafter to be formed, within the beat of any brigade of infantry in the city and county of Albany, and within the county of Ontario as it was on the first of January last, shall meet by themselves for review and inspection; subject, however, to the inspection of the brigade inspector of infantry, whose duty it is hereby made to inspect said corps; and that the said corps shall be, and are hereby, exempted from the operations of the tenth section of the act hereby amended.

Provision as to Albany and Ontario artillery.

XIX. *And be it further enacted*, That the commissioned, non-commissioned officers, and musicians of each regiment or separate battalion of infantry, including the artillery and riflemen within the beat thereof, shall parade not less than two nor more than four days, in addition to the day required, by the eleventh section of the act hereby amended, and continue in martial exercise, as therein directed; the commanding officer of the regiment or battalion shall designate the day of such parade, and issue the necessary orders: *Provided*, That it shall not be the duty of the brigade inspector to attend such additional parades: *And provided further*, That nothing herein contained shall extend to the first brigade of New-York state artillery.

Parades of officers, non-com. officers & musicians.

Provided.

XX. *And be it further enacted*, That the several troops or companies of horse artillery, in the city of New-York, and in the counties of Kings and Richmond, which were organized into a regiment by general orders, on the twenty-eighth of February, one thousand eight hundred and fourteen, be and the same are hereby constituted one regiment, to be called the first regiment of horse artillery; the said regiment shall consist of two squadrons, the first of which shall be composed by the companies or troops in the city of New-York, and the second, by the companies or troops in the counties of Kings and Richmond, and either of the said squa-

In N. York, Kings, Richmond, provision as to horse artillery.

drons, or any company or troop thereof, shall, when required, do duty as horse artillery, or as cavalry, as the commandant of the said regiment shall direct : *Provided*, That nothing in this section contained shall be construed to restrict or take away the power possessed by the commander in chief by virtue of the first section of the act of one thousand eight hundred and eighteen.

Further provision of preceding section.

XXI. *And be it further enacted*, That the said regiment shall parade the same number of times in each year, that the first brigade of New-York state artillery are by law required to parade, and shall be subject to the like fines, penalties, and forfeitures, and shall enjoy the like privileges and exemptions as are by law enjoyed by the officers, non-commissioned officers, musicians, and privates, in the said first brigade of New-York state artillery.

Provision as to 1st regt of horse artillery.

XXII. *And be it further enacted*, That the several troops or companies of the said first regiment of horse artillery shall be and they are hereby exempted from the tenth, eleventh, and twenty-ninth sections of the act, entitled "An act to organize the militia," passed the 21st of April, 1818, and also from the nineteenth section of the act, entitled "An act to amend an act, entitled an act to organize the militia," passed 13th of April, 1819.

Provision as to age of privates, &c. repealed.

XXIII. *And be it further enacted*, That the seventeenth, thirty-fifth, forty-eighth, and forty-ninth sections of the act hereby amended, so much of the fifty-eighth section of the said act as authorises the enlistment of persons of the age of eighteen years, into any company of cavalry, artillery, or flying artillery, the first and third sections of the act, entitled "An act to amend the act to organize the militia," and so much of the ninth section of the act last aforesaid, as relates to the first brigade of New-York state artillery, not in the counties of New-York and Kings, and all other parts of either of the said acts, inconsistent or incompatible with the provision of this act, be and the same is hereby repealed:

Power of commander in chief to divide.

XXIV. *And be it further enacted*, That the commander in chief be, and he is hereby authorised and empowered, any thing in the acts heretofore passed to the contrary notwithstanding, to divide, alter and reorganize, the regiments, battalions, and companies, of the first brigade of New-York state artillery, and when so organized, the several brigades, regiments and battalions, and companies, shall be entitled to all the privileges and exemptions, and be subject to the same duties, and liable to the same penalties as are imposed by law on the said first brigade of artillery.

Reports of adjt gen to commander in chief.

XXV. *And be it further enacted*, That whenever it shall be ascertained by the adjutant-general, that there is a greater number of artillery and cavalry, taken from any regiment, or battalion of infantry, than the eleventh part thereof, he shall report the same to the commander in chief, who is required to annex, consolidate, or disband any company or companies, so as not to exceed the one eleventh part of the said regiment or battalion, as is provided for by the laws of congress : *Provided*, That this section shall not apply to the artillery and cavalry in the city of New-York.

Proviso.

Provision as to artillery and light artillery.

XXVI. *And be it further enacted*, That the companies of artillery and light artillery, shall be, and are hereby made liable to all the pains, penalties, annexation, and disbandment, that the

cavalry, light infantry, grenadiers, and rifle companies, are by the second section of the act hereby amended.

XXVII. *And be it further enacted*, That whenever any person is commissioned, either by promotion or appointment to any office above the rank of captain, it is hereby made the duty of the adjutant-general to transmit the name of such person or persons, and the grade and date of the commission to the division inspector of the division to which the person or persons so promoted and appointed shall belong, and it is hereby made the duty of the first inspector to keep a roster of all the officers in the division, from the highest grade to that of the major, the dates of their several commissions: *And further*, it is hereby made the duty of the brigade inspectors to keep a roster of all the commissioned officers below the rank of major of the brigade to which he belongs, and the dates of their several commissions.

Further duty of adjt. gen. as to rank.

And of brigade inspector.

XXVIII. *And be it further enacted*, That it shall be the duty of the brigade inspectors, to transmit a copy of the inspection return annually to the division inspector within thirty days after the inspection shall be made, and it shall be the duty of the division inspector, to make and transmit a division return, to the adjutant-general, for the commander in chief, and also to the officer commanding the division annually.

Further duty of brigade and division inspectors.

XXIX. *And be it further enacted*, That no military officer shall be brevetted, nor shall any officer be created by brevet in time of peace.

Brevets prohibited.

XXX. *And be it further enacted*, That no person subject to military duty, shall hereafter be excused from serving in any company of infantry by enrolling himself in any uniform company, unless he produces to the commandant of such infantry company, within whose beat he may reside, a certificate signed by the commandant of a uniform company that he has enrolled himself in the company which he commands, and is uniformed, armed and equipped as the law directs: *Provided however*, That this section shall not apply to any uniform company until one year after such company shall be organized.

Persons exempt, to produce certificates, &c.

Proviso.

XXXI. *And be it further enacted*, That no officer shall hereafter be excused from military duty, by refusing to accept any commission to which he may be promoted, notwithstanding he may have served as an officer for four years.

Officers when subject to duty, to accept.

XXXII. *And be it further enacted*, That the office of commissary of the division of artillery residing in the city of New-York be, and the same is hereby abolished.

Comm'y of artillery as abolished.

XXXIII. *And be it further enacted*, That every non-commissioned officer or private, belonging to any company of horse artillery, shall have and enjoy all the privileges as to the time of service, given to them in and by the fourteenth section of the act, entitled "An act further to amend the laws respecting the militia of this state," passed April 8th, 1808.

14th section of former act extended.

CHAP. CCXII.

AN ACT to incorporate a Fire Company in the town of Flatbush, in the county of Kings.

Passed March 31, 1821.

Flatbush fire
company in-
corporated.Style and
general pow-
ers.

Firemen.

Firemen ex-
empt from
militia and
jury duty.Power of
trustees.

Fines.

Clerk.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That it shall and may be lawful for all such persons residing in that part of the said town, commonly called the old town of Flatbush, and who may associate for the purpose of procuring one or more fire engines and other implements for extinguishing fires in the said old town of Flatbush, to meet together, at any time after the passing of this act, and choose not less than three nor more than five of their number to be trustees, to be called the "Flatbush Fire Company;" who shall be a body corporate, and shall have perpetual succession, and by that name be capable of suing and being sued in all courts and places, in all manner of actions, and to take, hold and convey property, real and personal, necessary for the purpose of extinguishing fires, and the preservation of the engines, tools and implements of the said company.

II. *And be it further enacted,* That the said trustees and their successors, or a majority of them, shall have full power and authority to nominate and appoint a sufficient number of firemen, (willing to accept,) not exceeding twenty, to have the care, management, working and using the said fire engine or engines, and all the implements aforesaid, and who shall be ready at all times to assist in extinguishing fires.

III. *And be it further enacted,* That each of the said persons so to be nominated and appointed firemen as aforesaid, shall, during his continuance in office, be exempt from ordinary militia duty and serving as jurors: *And further,* That the said trustees, or a majority of them, shall have power from time to time to remove any firemen so to be appointed, and others to appoint in the room or stead of those so removed, when and as often as they shall think proper: *And further,* That it shall be lawful for the said trustees, or a majority of them, to make, establish and ordain such rules and regulations for the government of the persons so to be appointed firemen, for the purpose of using, trying and working the said fire engine or engines, tools and implements, and to impose on them such reasonable fines and penalties, not exceeding five dollars for any one offence, upon such firemen, or any of them, in not performing the duties hereby to be enjoined or required from them, as they from time to time may think proper.

IV. *And be it further enacted,* That all fines incurred by virtue of this act, shall and may be recovered by any one of the trustees aforesaid, in his own name, before any justice of the peace in the said county of Kings, with costs of suit, to be reported to the said board of trustees, and appropriated by a majority of them for the purpose of procuring and keeping in repair the fire engine or engines, and other implements necessary for extinguishing fires.

V. *And be it further enacted,* That it shall and may be lawful for the said trustees, from time to time to appoint a clerk,

who shall enter in a book to be kept for the purpose, the names of the proprietors of the said fire engine or engines, and the names of the said trustees from time to time to be chosen, and the names of the firemen to be by them from time to time appointed or removed, together with such rules and regulations as shall from time to time be made for the government of the company hereby incorporated, or of the persons so to be appointed firemen; which entries may be given in evidence in any trial for the recovery of any penalty which may be incurred by virtue of this act.

VI. *And be it further enacted*, That the said trustees shall be chosen by the persons associated under this act, or their successors for the time being, pursuant to such rules and regulations as may be prescribed in manner aforesaid, and shall hold their offices until others shall be chosen in their stead. Trustees how chosen; &c.

CHAP. CCXIII.

AN ACT to divide the town of Farmington, in the county of Ontario.

Passed March 31, 1821.

I. *BE it enacted by the People of the State of New-York*, Town of Burt erected. *represented in Senate and Assembly*, That from and after the day preceding the first Tuesday in April, one thousand eight hundred and twenty-two, all that part of the town of Farmington, in the county of Ontario, lying east of a line to be run north and south between the two townships number eleven in the second and third ranges of townships in the said county, be, and it hereby is, erected into a separate town by the name of Burt; and the first town meeting in said town so erected, shall be held at the district school house in said town, near David Howland's dwelling house.

II. *And be it further enacted*, That from and after the day aforesaid, all the remaining part of the said town of Farmington shall be and remain a separate town, by the name of Farmington; and the first town meeting in the said town shall be held at the house of Jacob Smith, jr. in said town. Remaining part retains its name of Farmington.

III. *And be it further enacted*, That all monies that shall be and remain in the hands of the commissioners of common schools, of the said town of Farmington, on the day aforesaid, shall be by them apportioned and paid among all the school districts in said town, in the same manner as if this act had not been passed. School monies apportioned.

IV. *And be it further enacted*, That all monies that shall remain in the hands of the overseers of the poor of the said town of Farmington, on the day aforesaid, shall be divided, together with all paupers that shall be on that day chargeable to the said town, between the said towns erected by this act, according to justice and equity, as the same shall appear from the last assessment roll of the said town. Poor and monies divided.

V. *And be it further enacted*, That the supervisors of the respective towns of Farmington and Burt shall meet at the hotel, in the village of Manchester, on the second Tuesday of April, one thousand eight hundred and twenty-two, and make the said division of mo- When and how to be divided.

ney and paupers; and in the event of any disagreement between the said supervisors, as to what is just and right in respect to said division, then they shall state the points in difference between them in writing, and refer the same to the board of supervisors of the said county of Ontario, at their next stated meeting, who shall decide thereon, and their decision shall be final.

CHAP. CCXIV.

AN ACT for the relief of Alvah Gregory, Samuel Gregory and Edmund Hopkins.

Passed March 31, 1821.

Execution
against A.
Gregory.

Provide.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the sheriff of the county of Tompkins be, and he is hereby, directed to stay all proceedings upon the execution issued to him upon a judgment obtained in favor of the people of this state, against Alvah Gregory, upon a bond given for part of the purchase money for the southeast corner of lot number thirty-one, Ulysses, for four years from the first day of February last: Provided, The persons named in the title to this act, or any of them, pay to the said sheriff his fees and the costs which have accrued upon obtaining the said judgment, within sixty days from the passage of this act, and shall also pay the interest due the state on the principal sum, within one year from the passing of this act, and shall annually thereafter pay the interest that shall become due thereon.

CHAP. CCXV.

AN ACT for the Relief of James Williams.

Passed March 31, 1821.

Preamble.

WHEREAS James Williams, treasurer of the county of Genesee, did, in the year eighteen hundred and twenty, from inexperience in his said office, make his returns to the comptroller of this state, by returning the account or arrears of taxes of the collectors of the several towns in said county, without the affidavit of the said collectors written at the foot, or on the back of the said accounts or arrears, as required by the eleventh section of the act entitled "An act for the assessment and collection of taxes," passed April 5, 1813: *And whereas* the said section of the said act was substantially complied with, inasmuch as the oath was duly administered to the said collectors, as required in said section: Therefore,

Comptroller's
duty in re-
ceiving ac-
counts or ar-
rears from J.
Williams.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the comptroller be, and he is hereby, authorised and required to receive the said accounts or arrears of taxes, for the year eighteen hundred and nineteen, of James Williams, treasurer of the county of Genesee for said year, and pass the said accounts or arrears to his credit, in

the same manner, as if the said James had complied with the said section of the said act above mentioned : *Provided however*, the said James shall, on or before the first day of June next, deposit in the office of the said comptroller, the affidavits of the collectors of the several towns in said county, stating the oath, and that it was duly administered to them, at the time they made out and delivered the said accounts, or arrears of taxes, in their said towns : *And provided further*, That if the said James shall, before or at the time mentioned, certify under oath, that he is unable to procure the affidavit or affidavits, of any collector or collectors, by reason of the death or removal of such collector or collectors, from the said county, and that he did duly administer the oath to him or them, at the time he or they made out such account or arrears of taxes, and then, and in such case, his said affidavit shall entitle him to all the privileges of this act.

CHAP. CCXVI.

AN ACT *establishing Ferries across the Black River Bay, in the county of Jefferson.*

Passed March 31, 1821.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for Charles Colburn, and Samuel Fulsome, of the town of Hounsfield, in the county of Jefferson, and their assigns, to set up, keep and maintain a ferry across the Black River Bay, from the village of Sacket's Harbour, in the said town of Hounsfield, to the opposite shore, in the town of Brownville, and also set up in the town of Brownville, opposite to the village of Sackett's Harbour, and to keep and maintain a ferry to the said village of Sackett's Harbour, for and during the term of five years, to be computed from the first day of May next.

II. *And be it further enacted*, That if* the said Charles Colburn and Samuel Fulsome, or their assigns, shall set up a ferry as aforesaid, and shall during the time above mentioned, keep, maintain and support suitable and safe ferry boats, capable and sufficient, for carrying to and from the places above mentioned, carriages, horses, cattle and passengers, and ready at all reasonable times and seasons, to transport and ferry across said Bay, to and from as above, persons, goods and chattels.

III. *And be it further enacted*, That the court of common pleas of the county of Jefferson, in their sessions shall and may, and are hereby directed, annually, during the continuance of this act, to order, direct, and determine, the several rates of ferriage, and hours of the day that boats shall be kept in readiness belonging to the said ferries.

IV. *And be it further enacted*. That if the said Charles Colburn and Samuel Fulsome. or their assigns, or any ferryman, or

* So in the original. The word "if" ought to be omitted, or the section is incomplete.

Provide.

Further provide.

C. Colburn and S. Fulsome to keep a ferry.

To keep safe boats, &c.

Rates of ferriage how determined.

Penalty for extortion.

other person employed by him or them, shall take, exact, or receive, any greater or higher rates of ferriage for transporting goods and chattels, or other things whatsoever, than shall be allowed by the said court of common pleas, the person so offending shall forfeit and pay, for every such offence, the sum of five dollars, to be recovered with costs of suit, before any justice of the peace within this state, by any person who shall sue for the same.

Penalty on persons ferrying who are not licensed by this act.

V. *And be it further enacted*, That if any other person or persons shall, after the first day of May next, set up, keep or maintain any ferry, or shall carry or transport any person, goods or chattels, for hire or pay, across said bay, from any place on the south side or shore of the same, within two miles, east or west, of the village of Sacket's Harbour, or shall carry or transport any person, goods or chattels, for hire or pay, across said bay, from any place on the north side or shore of the said bay, within two miles east or west of the main road leading from said bay to Chaumont bay; every such person or persons shall, for every such offence, forfeit and pay the sum of five dollars, to be recovered with costs of suit, in any court within this state, having cognizance thereof, by any person who shall sue and prosecute for the same: *Provided*, That nothing in this act contained shall be deemed or taken to prevent any person or persons who reside within the limits aforesaid, and adjoining the said bay, from the right of making use of their own boats, and transporting themselves and property across the same at their pleasure.

Proviso.

Privileges when and how to cease.

VI. *And be it further enacted*, That if it shall appear upon sufficient evidence to the court of common pleas of the county of Jefferson, that the said Charles Colburn, and Samuel Fulsome, or their assigns, shall wilfully and knowingly, neglect to comply with the directions or restrictions of this act, in keeping and maintaining the ferries as aforesaid, to adjudge and declare, that all the privileges granted to them, by virtue thereof, shall cease and be of no effect.

CHAP. CCXVII.

AN ACT relative to the Mount-Hope and Lumberland Turnpike Road.

Passed March 31, 1821.

Route may be altered.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the president and directors of the Mount-Hope and Lumberland turnpike road company shall have full power and lawful authority to alter the route of said turnpike road, where they shall think necessary, around hills, not exceeding half a mile from the present route of said road, the damages, (if any,) that owners of land, may sustain by reason of any alteration that may be made in the route of said road, to be ascertained and paid in the same manner as is directed in and by the act, entitled "An act relative to turnpike companies," passed 13th day of March, 1807, and that the survey and maps made and filed

in the comptroller's office of this state, and in the clerks' offices of the counties of Orange and Sullivan, and the tax levied on the lands agreeable to said survey and maps, for the purpose of making said road, shall not be impaired or made void by reason of any alteration to be made in the route of said road pursuant to this act.

II. *And be it further enacted*, That the Bank of Orange county, in the village of Goshen, shall be the place for the redemption of lands, sold by virtue of the act, entitled "An act to alter and amend the act, entitled "An act to incorporate the Mount-Hope and Lumberland turnpike road company;" and the said president and directors of said turnpike company, shall, as soon as may be, after the passing of this act, furnish the cashier of said bank with a list of the sales of the land sold by virtue of the act aforesaid, to be kept by him at the said bank; and it shall be lawful for the owner or owners of land sold by virtue of said act, within bank hours, to pay the amount of tax assessed on his, her, or their lands, and the interest accrued thereon, agreeable to said act; and on the payment of the said tax, and the interest as aforesaid, the said cashier shall give a receipt in full for the same, which receipt shall be a full discharge on the lands, as fully redeemed and discharged, as if the said tax and interest were paid to the purchaser. *And further*, it shall be the duty of the said cashier, on the receipt of the said purchase money and interest, to enclose a notice to the purchaser, informing him that the money is received in said bank, subject to his order, on the presentation of his certificate of purchase, which said notice shall be directed to the post-office nearest the residence of the said purchaser known to said cashier, and immediately deposited in the post-office in Goshen, Orange county, from which time all interest on the said purchase money shall cease.

III. *And be it further enacted*, That all the acts and proceedings of the directors and commissioners under the act, entitled "An act to alter and amend the act, entitled An act to incorporate the Mount-Hope and Lumberland turnpike road company," are hereby ratified and confirmed, and the same are hereby declared to be binding, final and conclusive, and shall be so construed in all courts and places whatsoever.

CHAP. CCXVIII.

AN ACT to lay out and improve the Road leading from the town of Windsor to Binghampton, through Cole's Settlement.

Passed March 31, 1821.

I. *BE it enacted by the People of the State of New-York*, represented in Senate and Assembly, That Chester Patterson, Thomas Blakelee, and Ozias Marsh, be and they are hereby appointed commissioners, and they, or any two of them, are hereby authorised and empowered to lay out and improve the road leading from the house of Nathaniel Cole, in the town of Windsor, in the county of Broome, to the house of David Thomas, commonly

called the Cole settlement road, and alter the route of the same by leaving the said road, about three and a half miles west of the house of the said Nathaniel Cole, and running thence to the house of Daniel Sneden, by laying out the same four rods wide, in as direct a route as the face of the country will admit.

O.th. II. *And be it further enacted*, That the commissioners aforesaid, before they enter upon the duties of their office, shall respectively take and subscribe, before some justice of the peace, an oath, faithfully and impartially to execute the trust reposed in them, in and by virtue of this act, and the said oaths shall, by the said commissioners respectively, be filed in the clerk's office, in the town of Windsor aforesaid.

Survey to be made and filed.

III. *And be it further enacted*, That it shall be the duty of the said commissioners, after having laid out said road, to make or cause to be made, an accurate survey bill of the same, and deliver the same to the clerks of the said town of Windsor and of the town of Chenango, and it shall be the duty of the said clerks to record the same, and when so recorded the said road shall be opened and kept in repair in the same manner as other public highways are kept in repair, and all damages which shall accrue in consequence of laying out such road, shall be assessed and paid in the same manner as is directed by the act, entitled An act to regulate highways, and the acts amending the same.

1000 dollars to be allowed.

IV. *And be it further enacted*, That the sum of one thousand dollars be and the same is hereby appropriated, out of any money in the treasury not otherwise appropriated, and that the same be paid by the treasurer, on the warrant of the comptroller, to the commissioners aforesaid, for the expenditure and application thereof for the purpose of opening and improving the road aforesaid : *Provided however*, That the comptroller shall not draw his warrant upon the treasurer as aforesaid, until satisfactory evidence shall be produced to him, that a sum equal to the sum hereby appropriated, shall have been raised and collected by the said commissioners from the inhabitants of the said county of Broome, or elsewhere, by voluntary subscription, or otherwise, to be expended and applied in laying out and improving the road aforesaid.

Proviso.

Bond to be given.

V. *And be it further enacted*, That the commissioners aforesaid, before they shall enter upon the duties of their office, shall enter into a bond, in double the amount of the said sum, to the people of this state, with two sureties, to be approved of by one of the judges of the court of common pleas of the said county of Broome, conditioned for the faithful expenditure of all the monies they shall receive under and by virtue of this act, according to the true intent and meaning of the same, and for accounting to the comptroller for the said expenditure within three years thereafter.

D. 1,000 allowed.

VI. *And be it further enacted*, That the sum of one thousand dollars be, and the same is hereby appropriated, out of any money in the treasury not otherwise appropriated, and that the same be paid to Thomas Floyd, Jacob Kress, and Jacob Lowman, who are hereby appointed commissioners to improve that part of the road leading from Owego, in the county of Broome, to the village of Newtown, in the county of Tioga, commonly called the Chemung Narrows: *Provided however*, That the comptroller shall not draw

his warrant on the treasurer for the said one thousand dollars, until satisfactory evidence shall be produced to him that a sum equal to the sum hereby appropriated shall have been raised and collected, by the said commissioners, from the inhabitants of the said county of Tioga, or elsewhere, by voluntary subscription, or otherwise, to be expended and applied in improving the road along the Chemung Narrows as aforesaid.

VII. *And be it further enacted*, That the commissioners aforesaid shall enter into a bond, in double the amount of the said sum, to the people of this state, with two sureties, to be approved by one of the judges of the court of common pleas of the county of Tioga, conditioned for the faithful expenditure of all the monies they shall receive under and by virtue of this act, according to the true intent and meaning of the same, and for accounting to the comptroller for the said expenditure within three years thereafter.

VIII. *And be it further enacted*, That each of the commissioners aforesaid shall be entitled to receive for their services and expenses, whilst necessarily employed in their duties aforesaid, the sum of one dollar and fifty cents per day, in addition to the wages and necessary expenses of such persons as they shall employ in and about the business aforesaid, payable out of the said appropriation.

CHAP. CCXIX.

AN ACT relating to Sheriffs' Fees in the counties of Herkimer, Columbia and Allegany.

Passed March 31, 1821.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That each of the sheriffs of the counties of Herkimer, Columbia and Allegany, shall hereafter charge travel fees on all process from the court house in each of said counties, and not from his place of residence.

CHAP. CCXX.

AN ACT to amend the act for the Relief and Settlement of the Poor.

Passed March 31, 1821.

1. *BE it enacted by the People of the State of New-York*, represented in Senate and Assembly, That if any overseer of the poor of any city or town shall have reason to believe that any stranger, who shall have come to reside in such city or town, and who shall not have obtained a legal settlement therein, is likely to become chargeable to such city or town, such overseer shall apply to any two justices of the peace of such city, or of the county in which such town shall lie, and inform them thereof; and the said

Warrant to
be issued.

justices being so or otherwise informed, or suspecting such stranger to be of insufficient ability, or likely to become a charge to such city or town, are hereby authorised and required to issue their warrant to a constable of such city or town, thereby commanding him to bring such stranger before them at such time and place as they in their said warrant shall for that purpose appoint; and the said justices shall examine every stranger so brought before them, and any other person whom they may think necessary, upon oath, relating to the abilities and last place of legal settlement of such stranger; and if, upon such examination, the said justices shall find such stranger likely to become a charge to such city or town, they shall order and direct such stranger, by a certain day, to remove to the place of his former settlement; and on neglect or refusal to comply with the said order, the said justices shall issue a warrant under their hands and seals, directed to any constable of such city or town, who is hereby required and commanded to execute such warrant, thereby commanding him to convey or transport such stranger to the constable of the first town or city, as the case may be, in the adjoining county; or if within the same county, to the town where the pauper was last legally settled, through which such stranger shall have been suffered to wander unapprehended, and so from the constable of one county to the first constable in the next adjacent county, and so from county to county by the nearest and most convenient route, as the said justices shall think fit to direct, to the place of legal settlement of such stranger, if the same be within this state, or in case it shall appear that the said pauper first came into this state through the city of New-York, and it shall not appear that the said pauper has acquired a settlement in this state, then and in such case it shall be lawful for the said justices to direct by the said warrant that the said pauper be transmitted in manner aforesaid to the city of New-York.

Sec. repealed

II. *And be it further enacted*, That the seventh section of the "Act for the relief and settlement of the poor," be, and the same is hereby, repealed.

CHAP. CCXXI.

AN ACT to incorporate the Ontario Canal Company.

Passed March 31, 1821.

Corporation
created.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Nathaniel W. Howell, Gideon Granger, Nathaniel Gorham, Richard M. Williams, Lorenzo Clark, William H. Adams, Phineas P. Bates, James S. Bemis, Asa Stanley, James Birdseye, Darius Comstock, Ebenezer Bement, and any or either of them, together with all such persons as shall associate for the purpose of opening a navigation from the Canandaigua lake, in the county of Ontario, to the Erie canal, in the same county, shall be and hereby are created and made a corporation and body politic, in fact and in law, by the name of the "Ontario canal company;" and by that name they and their suc-

Style and ge-
neral powers.

cessors for ever, shall and may have perpetual succession, and shall be capable in law to purchase, have, hold, enjoy and retain to them and their respective successors, lands, tenements, hereditaments, goods, chattels, and effects, of every kind whatsoever, and the same, or any part thereof, to sell, grant, demise, alien, or dispose of; to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in courts of record, or any other place whatsoever; and also to make, have and use a common seal, and the same to break, alter and renew at their pleasure; and also to ordain, establish and put in execution such by-laws, ordinances, and regulations, as shall seem necessary and convenient for the government of the said corporation, and the transaction of its business, not being contrary to the constitution and laws of the United States, or of this state, and generally to do and execute all and singular acts, matters, and things which to the said corporation it shall or may appertain to do, subject nevertheless to the regulations, restrictions, limitations and provisions herein prescribed and declared: *Provided however*, That the amount of the real estate which the said corporation shall be entitled to hold, shall not, at the time of acquiring the same, exceed the sum of ten thousand dollars in value, over and above the real estate necessary to effect the objects of this incorporation. Proviso.

II. *And be it further enacted*, That the stock of the said corporation shall not exceed one hundred thousand dollars, to be divided into shares of twenty-five dollars each, and which shares shall be deemed personal property, and shall be exempt from taxation and assessment as such; and that Nathaniel Gorham, Zechariah Seymour, Asa Stanley, Phineas P. Bates, and William H. Adams, or a majority of them, shall be commissioners, whose duty it shall be, on or before the first Monday of August next, at some proper place in the village of Canandaigua, to open books for the purpose of receiving subscriptions to the capital stock of the said company, and public notice shall be given, by the said commissioners, of the time and place of opening the said books, in at least two of the newspapers printed in the said county of Ontario, for at least four weeks, which books shall be kept open for at least one week, and the said commissioners may prescribe the form of such subscription, so that the said shares, or any part thereof, may be paid for in labour, on the said navigation, or in materials and provisions, and other parts thereof may be payable in money, at such times as the said commissioners may determine; and whenever the sum of fifty thousand dollars shall be subscribed to the said capital stock, it shall be the duty of the said commissioners, or a major part of them, to give at least thirty days notice of the time and place of holding an election for the choice of directors of the said company, by advertisements in at least two of the newspapers in the said county; and the said commissioners shall be inspectors of the first election of directors of the said company, and shall certify, under their hands, the names of those duly elected, and shall deliver over to them the subscription books, and the directors so chosen shall hold their office for one year, after their election as aforesaid, and until others shall be chosen in their places; and that in the said election, and in all subsequent elections, Capital stock
Commissioners.
Election of directors.

of directors of the said company, each share shall entitle the holder to one vote.

Directors.

III. *And be it further enacted*, That there shall be nine directors of the said company, who shall be stockholders, and citizens of this state, and shall hold their offices for one year, and until others be chosen in their places : all elections for directors, after the first, shall be holden at such times and places as a majority of the directors shall appoint, and thirty days notice shall be given, by advertisement, in at least two of the newspapers of the said county of Ontario ; the said elections shall be made by the stockholders in the said company, either in person or by proxy, by ballot, and the nine persons who shall have the greatest number of votes as aforesaid, shall be directors ; and if two or more persons shall have an equal number of votes, then the said commissioners, at the first election, and afterwards the directors in office, at the time of such election, or a major part of them, shall, by a plurality of ballots, determine which of the said persons so having an equal number of votes, shall be director or directors, so as to complete the whole number to be elected ; and all vacancies in the directors shall be filled for the remainder of the year in which they shall happen, by such person or persons, as the residue of the directors, or a majority of them, shall appoint.

Vacancies.

Officers and quorum.

IV. *And be it further enacted*, That the said directors shall choose a president, a secretary, and a treasurer, to hold their offices during the pleasure of the said directors, and six directors shall be a quorum for the transaction of business ; and the said directors shall have power to declare the stock of such persons as shall neglect to pay for the same, according to the terms of the subscription, and all previous payments thereon, to be forfeited to the use of the said company, or may sue for and recover from such delinquent subscribers, and stockholders, the amount due on such shares, in an action of assumpsit, in any court having cognizance thereof, whether any payment shall have been made by such delinquent subscriber, on such stock, or not.

Forfeiture of stock.

Power of directors.

V. *And be it further enacted*, That the said directors shall have power to explore and designate the route of a navigable communication between the Canandaigua lake and the Erie canal, and to enter upon and take possession of such improved or unimproved land, not exceeding six rods in width, as shall be necessary for the said navigation, and the works thereunto appertaining, and for the convenient operation thereof, the said directors paying therefor in the manner herein after prescribed ; and shall have power to use the outlet of the said lake, and to construct a towing path on either side thereof, or of the said lake, and to regulate the water of the said lake, as a reservoir for the purposes aforesaid ; and if any damage shall arise to any person or persons by the acts aforesaid, the same shall be ascertained and paid for in the manner herein after prescribed.

Appraisements.

VI. *And be it further enacted*, That in case of disagreement between the said directors and any person or persons, owning any land, which the said directors may so occupy as aforesaid, or which may be injured by the necessary operations to complete such navigation, respecting the amount of the damages sustained by such person or persons, such damages shall be appraised by two justices of

the peace, and by the oaths of six reputable and disinterested freeholders, who shall be summoned by the sheriff of the county of Ontario, by virtue of a warrant to be issued by the said justices for that purpose, which warrant any two justices of the peace of the county of Ontario are hereby authorised to issue upon the application of the directors of the said company, or of any person or persons pretending to be aggrieved, and at least fourteen days notice of the time and place of a hearing before such justices shall be given to the opposite party, and in case of the infancy, coverture, insanity, or absence from this state, of any such owners, it shall be lawful for the said directors to exercise the rights and powers hereby granted to them, with respect to the lands so owned, but the damages sustained by such lands shall be assessed in manner aforesaid, and notice of a hearing as aforesaid shall be served on the district attorney of the said county, whose duty it shall be to attend and defend the rights and interests of such owners, and whenever such damages shall be appraised as aforesaid, the same shall be paid by the said company when lawfully demanded.

VII. *And be it further enacted*, That it shall and may be lawful, to and for the directors of the said corporation, and their superintendants, engineers, artists, workmen, and labourers, with carts, waggons and other carriages, with their beasts of draft and of burthen, and all necessary tools and implements, to enter upon the lands contiguous, or near to the track of the said intended canal and navigation, first giving notice of their intentions to the owners thereof, and doing as little damage thereto as possible, and repairing any breaches they may make in the enclosures thereof, and making amends for any damages that may be sustained, by appraisement, in the manner herein before directed, and on tender of the appraised value, to be ascertained as aforesaid, to carry away any timber, stone, ground, sand or earth, there being conveniently situated for making or repairing the said canal and navigation, and to use the same in carrying on the said works.

VIII. *And be it further enacted*, That it shall and may be lawful for the directors of the said company, as soon as the said canal and navigation shall be so far completed as to allow of the passage of boats, to appoint such and so many collectors of toll for the passage of boats and vessels, in and through the same, and in such places as they shall think proper, and that it shall and may be lawful for such collectors of toll and their deputies, to demand and receive of and from the persons having the charge of all boats and vessels, and rafts of timber, boards, plank, scantling, or shingles, passing through the said canal and navigation, such toll and rates as the said directors shall think proper, at any lock or other convenient place, provided that the amount of all the tolls accruing to the said company, and arising from the use of the said navigation, shall not exceed in the whole the rate of three cents per ton of the burthen of such boat or vessel for each mile of the said navigation, and for every hundred feet cubic measure of timber, and one thousand feet board measure of boards, plank or scantling, and for every five thousand shingles, and so in proportion for any other distance, and less number of locks : *Provided always*, That all boats of a burthen less than a ton, and using the said canal and navigation, shall pay the toll for a ton.

Entry upon
lands.

Timber.

Collectors of
toll.

Rates.

Measurement
and tonnage.

IX. *And be it further enacted*, That in order to ascertain the tonnage of boats using the said canal and navigation, upon the request of the owner or supercargo of such boat, or of the directors of the said company, or of any collector of tolls, in their behalf, it shall and may be lawful, for each of them, to choose one person to measure and ascertain the number of tons which the said boat or vessel is capable of carrying, and to mark the same in figures upon the head and stern of such boat, in colours mixed with oil, and that the said boat or vessel, so measured and marked, shall always be permitted to pass through the said canal and locks for the price per ton, to which the number of tons so marked on her shall amount to, and if the owner or supercargo of such boat or vessel shall decline choosing a person resident within two miles of the place where such toll is payable, to ascertain the tonnage thereof, then the amount of such tonnage shall be ascertained and fixed by a person to be appointed for that purpose by the said directors, or by a collector of tolls, and the toll shall be paid according to such measurement, before any such boat or vessel shall be permitted to pass the locks, or places where such toll shall be made payable.

Pen. ty for
injuring
banks.

X. *And be it further enacted*, That if any person or persons whatsoever, shall wilfully and knowingly do any act or thing whatsoever whereby the said navigation, or the banks thereof, or any lock, gate, engine, machine, fence or device thereto belonging, shall be injured or damaged, he or they so offending shall forfeit to the said company fourfold the damages by them sustained by means of such wilful act, together with costs of suit, to be recovered in any court having jurisdiction competent to the sum due; and whenever an execution shall be issued or served by virtue of such judgment, on the body of the person so offending, for want of goods and chattels whereon to levy, such person shall not be entitled to the liberties of the limits of any goal in which he may be confined.

Power of
collectors of
toll.

XI. *And be it further enacted*, That the collectors of toll, duly authorised and appointed by the directors of the said company, may stop and detain all boats, vessels and rafts using the said canal and navigation, until the owner or commander, or supercargo of the same, shall pay the toll so as aforesaid fixed, and if any collector of tolls shall unreasonably delay or hinder any boat, vessel, or raft, at any of the locks, or shall demand and receive more toll than is by this act authorised, he shall for every such offence forfeit and pay the sum of ten dollars, to be recovered with costs of suit, before any justice of the peace of the said county.

Cutting down
trees.

XII. *And be it further enacted*, That it shall and may be lawful for the said company to cut down the trees contiguous to the Canandaigua outlet, to the distance of two rods from the banks thereof, and also to draw out and lay upon the shores or banks of the said outlet such of the timber fallen in the same, as may obstruct the navigation thereof, and to burn and destroy the timber, so cut down or drawn out, and all other timber or wood which may be laying within two rods of the said banks, and also to construct towing paths along the said outlet, and to fence in and secure the same in such manner as they shall deem proper,

XIII. *And be it further enacted*, That if the canal commissioners shall at any time deem it expedient to construct a feeder for the Erie canal from the outlet of the Canandaigua lake, it shall and may be lawful for the said company to offer to construct the canal hereby authorised, in such a manner as that the same shall answer all the purposes of a feeder; and if the canal commissioners shall be satisfied that the said lateral canal may be so constructed, it shall be their duty to give a preference to the said company in the construction of the same: *Provided*, The said company shall contract to do the same on terms as reasonable to the state as any person or persons shall offer, and to submit to such regulations as the said commissioners shall impose respecting the fall or descent of the same, and relative to the time and manner of discharging the water thereof into the Erie canal. Right reserved to canal commissioners.

XIV. *And be it further enacted*, That the legislature may dissolve the said corporation when the income arising from the toll shall have fully compensated the said company for all necessary expenditures, together with an interest of fourteen per centum per annum; and the said canal hereby authorised shall not be so constructed as in any manner to interfere with the Erie canal, or to prevent the waters of the Canandaigua outlet from being used to supply the same; and this act shall not be construed so as to vest any banking powers, or any other powers, in the said company not necessary to the objects herein specified; and it shall be deemed a public act, and shall be favorably and benignly construed for all the purposes thereby intended. Right reserved to the legislature.
Restriction as to banking powers, &c.

CHAP. CCXXII.

AN ACT in addition to the several acts relative to the Court of Chancery.

Passed March 31, 1821.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the passing of this act, it shall be the duty of the solicitors for the complainant in all causes depending in the court of chancery, after an appearance shall be entered therein by the defendants therein or any of them, to serve copies of the pleadings and proceedings which shall be filed in said causes by such solicitors for the complainant, upon the party so appearing in said cause, or his solicitor; and in like manner it shall be the duty of the defendants so appearing in such causes, or their solicitors, to serve copies of the pleading and proceedings filed by them in any such cause, upon the complainant, or his solicitor; and in the taxation of costs, the solicitors shall be allowed the copies of all pleadings and proceedings so served, and for the draft copies and engrossing of all writs and other process, any law or any rule or order of the said court to the contrary thereof notwithstanding; and the practice heretofore pursued in the said court for the clerk to draw and engross and copy the writs and other process of said court, and to furnish the copies of the pleadings and proceedings in said court, to be used in the causes pending therein, is hereby abolished. Solicitors to make and serve copies of pleadings.

CHAP. CCXXIII.

AN ACT *relative to the Loan-Offices in the counties of Dutchess and Putnam.*

Passed April 2, 1821.

I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the judges of the court of common pleas, or any one of them, and the supervisors, or a majority of them, in the county of Putnam, shall meet together on the first Tuesday of June next, or as soon thereafter as conveniently may be, at the court house in said county, and shall then and there, by a majority of votes, elect two good and sufficient freeholders, in the said county of Putnam, to be loan-officers in the said county of Putnam, for the purposes intended by this act, and the acts heretofore passed relative to loaning money belonging to this state, and the act relative to county loans.

Duty of judges and supervisors of Putnam.

Loan-officers

Duty of the loan-officers of Putnam.

II. And be it further enacted, That it shall be the duty of the loan-officers of the county of Putnam, when appointed as aforesaid, forthwith to demand and receive from the loan-officers of the county of Dutchess, the mortgages which were, by the act entitled "An act for emitting the sum of two hundred thousand pounds in bills of credit, for the purposes therein mentioned," passed 18th April, 1786, and an act entitled "An act for loaning monies belonging to this state," passed 14th March, 1792, taken on land now lying in the said county of Putnam, except such mortgages as include lands in both counties, if any such shall be found; and the said loan-officers of the said county of Putnam, shall give duplicate receipts for all such mortgages which they may receive, which receipts shall be acknowledged before some proper officer, who is authorised to take the acknowledgment of deeds, and one of said receipts shall be recorded in the clerk's office of the county of Dutchess, at the expense of the said county of Putnam, to be paid by the loan-officers of the said county of Putnam, and the other of said receipts shall be transmitted to the comptroller; and the monies due and to grow due on the said mortgages, shall thereafter be payable to the loan-officers of the said county of Putnam, who shall have the like powers and authority, and be under the same regulations in respect to said mortgages, as were granted and established, or intended to be granted and established, by the several acts relative to the old and new loan-officers, respectively, and shall be subject to the like pains and penalties for neglect of duty, or for corrupt conduct in the premises; and the said board of supervisors of the county of Putnam, shall audit, allow and pay the account of the reasonable services and expenses of the said loan-officers of the said county of Putnam, in procuring the said mortgages; and in case the loan-officers of the county of Dutchess, or either of them, shall refuse to deliver over the said mortgages given upon land lying in the said county of Putnam, upon demand being made therefor as aforesaid, they shall forfeit and pay, for the use of the said county of Putnam, the sum of five hundred dollars, to be prosecuted and recovered, at the suit of the board of

Loan-officers of Dutchess.

supervisors of the said county of Putnam, in the supreme court of this state.

III. *And be it further enacted*, That the said loan-officers of the county of Putnam, before they enter upon the duties of their office, shall give bond to the people of this state, with such sufficient security as shall be approved by at least two thirds of the judges and supervisors present at the election of the said loan-officers, which approbation shall be in writing on the back of said bond, and signed by said judges and supervisors; which said bond shall be in the full sum due on the said mortgages so transferred, and conditioned for the true and faithful performance of the duty of said loan-officers. Bonds to be given.

IV. *And be it further enacted*, That the comptroller, on receiving the said receipts from the said loan-officers of the county of Putnam, shall open an account with the said loan-officers, and charge them with the amount of mortgages so received from the said loan-officers of the county of Dutchess, and shall give a corresponding credit to the said loan-officers of the county of Dutchess. Duty of comptroller.

V. *And be it further enacted*, That the yearly salary of each of the loan-officers of the county of Dutchess shall hereafter be the sum of eighty-five dollars, and of each of the loan-officers of the county of Putnam, the sum of forty dollars. Salaries to loan-officers.

CHAP. CCXXIV.

AN ACT concerning State Prisons.

Passed April 2, 1821.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That from and after the passing of this act, no convict shall be recommended by the inspectors for pardon, from the state prison in New-York, unless the earnings of said convict shall have averaged for every working day, at least twenty-five cents, for one year immediately preceding the recommendations: *Provided*, That the said convict's bodily health was good, and he capable of performing the task allotted him; of which the inspectors, agent, keeper and physicians, shall be the judges. Recommendations for pardon restricted.

II. *And be it further enacted*, That the agent of the state prison in New-York, shall credit annually on the books of the said prison, one half of the net earnings of every convict, over and above the regular task which they are daily to perform; which sums, so accumulated, the said agent is hereby required to pay to the said convict, on his release from confinement, either by pardon or expiration of sentence, in the said prison, and to take duplicate receipts for the same, one of which receipts to be filed at the prison, and the other to be forwarded to the comptroller of this state, annually, with the general accounts of the institution. Earnings of convicts how credited.

III. *And be it further enacted*, That from and after the first day of April next, the principal officer of the state prison guard in New-York, shall bear the title of captain of the state prison guard. Title of captain of the guard.

guard; and he shall be appointed, commissioned, and in all respects governed, as before the passage of the sixth section of "An act making an appropriation for the support of the New-York and Auburn state prisons, and for other purposes," passed April 14, 1820; and that his monthly pay shall, from the above date, be thirty dollars per month, and no more; and that the twenty-second section of "An act concerning the state prison," passed May 21, 1812, be, and the same is hereby declared to be in full force and effect.

P. 12000 payable to agent of N. York prison.

IV. *And be it further enacted*, That the treasurer of this state shall, on the warrant of the comptroller, pay to the agent of the state prison at New-York the sum of twelve thousand dollars, for the support of that institution for the ensuing year: *Provided*, That the drafts or orders of such agent shall be countersigned by a majority of the inspectors of the prison at New-York.

Salaries at Auburn, and support of convicts, &c.

V. *And be it further enacted*, That there shall be, and is hereby, appropriated for the salaries and compensation of the officers of the state prison at Auburn, and for the general support of the said prison, and the transportation of the convicts thereto, the sum of sixteen thousand dollars; for the completion of the east part of the north wing of the said prison, the sum of twenty-five thousand dollars; and if there should remain any surplus of the said sum, after completing the said part of the said wing, such surplus shall be applied to the finishing the north rear part of the said wing: for the excess of expenditures on the said prison during the last year, over the appropriations, the sum of ten thousand dollars; which sums shall be paid by the treasurer, on the warrant of the comptroller, out of any monies in the treasury not otherwise appropriated, to the order of the agent of the said prison, from time to time, in sums not exceeding five thousand dollars at any one time; the drafts or orders of such agent to be countersigned by the inspectors of the said prison, or a majority of them, and no draft of the said agent shall be paid by the comptroller and treasurer, until the faithful expenditure of the amount previously drawn by him on the same account from the treasury shall have been duly accounted for, and such drafts shall express the general object for which the same shall be drawn, whether for the general support of the prison, or for completing the buildings, or for the excess of the expenditures of the last year; and the said agent shall account separately, for each distinct class of expenditures; and the comptroller shall, in like manner, keep the accounts of the said agent; and similar accounts shall be preserved and rendered of the expenditures of any future appropriations that may be made.

Agent to account, &c.

Convicts to be divided into classes.

VI. *And be it further enacted*, That the inspectors of the state prison at Auburn shall divide the prisoners confined therein into three classes, each to consist of such a number as the inspectors shall judge proper; the first class to be composed of the oldest and most heinous offenders, who shall be constantly confined in the solitary cells; the second class to consist of offenders of a less heinous grade, to be confined three days in cells, and to be permitted to labor three days in each week; the third class to consist of the younger offenders, and such as shall appear to the inspectors most worthy to be permitted to labor each day; but that all convicts

shall, as soon as a sufficient number of cells are completed for that purpose, be compelled invariably, and in all cases except sickness, to sleep in separate cells; whenever any convict shall be sentenced by any court to solitary imprisonment for the whole, or any part of the period of his confinement, it shall be the duty of the inspectors in all cases to conform to such sentence: *Provided*, That it shall be lawful for the inspectors from time to time to change any individual of any one class, to any other class, as to them shall seem proper.

VII. *And be it further enacted*, That all monies drawn by the agent of the said state prison at Auburn, out of the treasury of this state, shall be by him forthwith deposited in some bank or banks, in which the treasury deposits of the state are now made, to be designated by said inspectors, or a majority of them, to his credit as agent of the said prison; and all accounts for purchases and supplies for the use of the said prison, and for all other expenditures in relation thereto, shall be approved by at least one inspector before the same shall be allowed, and all checks for the payment thereof, shall be countersigned by an inspector, or by the clerk of the prison, before the same shall be paid; and it shall be the duty of the said clerk, carefully to preserve such original accounts, and always to enter them at length in books to be provided for that purpose; and whenever any supplies for the said prison shall be purchased, it shall be the duty of the agent or officer purchasing the same, to take bills thereof at the time of such purchase, and the clerk shall compare such bills with the articles delivered, and if found correct, shall enter them in proper books to be provided for that purpose.

VIII. *And be it further enacted*, That it shall and may be lawful for the inspectors of the state prison at New-York, to authorise the agent thereof to enter into any contract for the employ of the prisoners, or any number of them, with any person desirous of employing such prisoners: *Provided*, Such contract shall only be for three years, and so much longer as the legislature may think fit: *And provided further*, That no such contract shall contain any thing to impair the right of the state, or the agent or inspectors of the prison of New-York, in the conduct or management of such prisoners.

IX. *And be it further enacted*, That for the purpose of managing and using the engine at the Auburn state prison, it shall and may be lawful for the inspectors of the said state prison, to organize and arrange one fire company, to consist of one foreman and twenty-four men, residing in the vicinity of said prison; who shall attend the said engine, examine and try it, statedly, as the said inspectors shall prescribe, and shall be subject to removal by said inspectors, whenever they shall deem it expedient, and others to be appointed by them in the stead of any who may be so removed; and that the said members of the said engine company, during their continuance as such, shall, upon the certificate of said inspectors, or a majority of them, be entitled to the like privileges and exemptions as the firemen in the company now existing in the village of Auburn are entitled to by law.

X. *And be it further enacted*, That it shall and may be lawful for the agent of said prison at Auburn, under the direction of the

inspectors, if they shall think proper, to purchase such materials as may be necessary to be manufactured and used at said prison by the prisoners, not exceeding in amount fifteen hundred dollars in any one year, to be paid out of the appropriations herein before granted.

Habeas corpus for witnesses, and their competency.

XI. *And be it further enacted*, That in case any prisoner confined in any state prison, or place of criminal confinement within this state, is considered an important witness for any criminal prosecution, by the district attorney conducting the same, it shall and may be lawful for such prisoner to be produced as a witness by habeas corpus for that purpose; and that such prisoner may be examined on the trial, and shall be considered a competent witness against any fellow prisoner for any offence actually committed whilst in prison, and whilst the witness so offered shall have been confined in such prison in which such offence shall have been committed.

Keeper of N. Y. penitentiary exempt from juries and military duty.

XII. *And be it further enacted*, That the keeper of the penitentiary of the city of New-York, and the deputy keepers, or other officers performing any duty in the penitentiary, shall be exempted, during their continuance in office, from serving on juries, and from military duty.

CHAP. CCXXV.

AN ACT to amend an act entitled "*An act to incorporate the Hamilton and Skeneateles Turnpike Company.*"

Passed April 2, 1821.

Certain persons may elect to work on roads or on the turnpike.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for each and every person or persons, residing in each of the towns of Plainfield and Richfield, in the county of Otsego, and within half a mile of the said turnpike road, liable to be assessed to work upon highways in each of said towns, to elect to work either upon the said turnpike road or upon the other roads or highways in such towns; and it shall be the duty of every such person or persons, who shall so elect to work on said turnpike road, to give notice to the commissioners of highways of such towns in which such person or persons shall reside, at any time they shall make such election: *Provided however*, It shall not be lawful for any person or persons, after they have been assessed on any other road district, to work on such turnpike road until the next succeeding year: *Provided further*, That no person residing in either of the said towns of Richfield or Plainfield, shall be assessed to work on said turnpike, except by the consent of the commissioners of highways in said town or towns; and if the said commissioners shall consent as aforesaid, they shall then divide the said turnpike into as many road districts as they shall think proper.

Provide.

Further proviso.

Power of commissioners.

II. *And be it further enacted*, That if the said commissioners shall consent as aforesaid, it shall be their duty to assess all such persons that shall elect to work on said turnpike road in like manner as the other inhabitants of said towns, and to deliver, upon

request, to the president and directors of the aforesaid company, a list of the names of all such persons that shall elect to work upon said turnpike road; and it shall and may be lawful for the president and directors of said company, to warn out all such persons as shall be so assessed on said turnpike road, at such a season of the year as they shall think proper, and under the direction of said company.

CHAP. CCXXVI.

AN ACT to amend the Act therein mentioned.

Passed April 2, 1821.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the time limited in and by an act to amend an act, entitled "An act for establishing a turnpike corporation for improving and making a road from Burlington, in the county of Otsego, to the Cayuga lake, and to intersect the Jericho and Bath turupike," for the completion of said road, shall be, and is hereby, further extended to the first day of December, in the year one thousand eight hundred and twenty-six.

Time extended to Dec. 1, 1826.

CHAP. CCXXVII.

AN ACT to amend the act, entitled "*An act to establish a turnpike Corporation for improving the road from the Springs, in Lebanon, to the city of Albany, and a like corporation for improving the road from the village of Bath to the Massachusetts' line.*"

Passed April 2, 1821.

I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the president and directors of the Eastern turnpike road company, to abandon that part of said road east of the house of Gilbert Westfall, and adopt that part of the old road east of said Westfall's house, and to alter and straighten the same until it intersects the said eastern turnpike road, near the village of Sand Lake.

Part of road abandoned, and another adopted.

II. And be it further enacted, That it shall be lawful for the president and directors of the said Eastern turnpike road company to demand from the stockholders, respectively, all such sums of money by them subscribed as remains due and unpaid, at such time and in such proportion as the said president and directors shall see fit, on pain of forfeiting their shares, and all previous payments made thereon.

Stockholders required to pay sums due, or, &c.

CHAP. CCXXVIII.

AN ACT to divide the County of Niagara.

Passed April 2, 1821.

I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That all that part of the county of Niagara, lying north of the Tonawanta creek, comprising the towns of Niagara, Lewiston, Porter, Wilson, Cambria, Hartland, and Royalton shall be and hereby is erected into a separate county, and shall be called and known by the name of Niagara; and that all the remaining part of the present county of Niagara, shall hereafter be called and known by the name of Erie.

Part of county to be called Erie.

Commissioners appointed and powers.

II. And be it further enacted, That Erastus Root, of Delaware county, William Britton, of Cayuga county, and Jesse Hawley, of the county of Monroe, shall be commissioners for the purpose of examining and determining the proper site or sites for a court-house and gaol to be erected in said county of Niagara; and when the said commissioners, or any two of them, having so determined, shall put their determination in writing, with their signatures and seals affixed thereto, and cause the same to be filed in the clerk's office of the county of Niagara, such determination shall be final and conclusive in the premises; and the said commissioners shall be entitled to receive three dollars per day for every day they may be necessarily employed in said service, which sum shall be levied, collected and paid as part of the contingent expenses of the said county of Niagara.

Compensation.

Courts in Niagara.

III. And be it further enacted, That there shall be held in and for said county of Niagara, a court of common pleas and general sessions of the peace, and that there shall be three terms of the said court in every year, to commence and end as follows, to wit: The terms of said court shall begin on the first Tuesdays of May, September and January, in every year, and may continue to be held till the Saturday following, inclusive; and the said courts of common pleas and general sessions of the peace, shall have the same jurisdiction, powers and authorities, in the same county, as the like courts in other counties: *Provided always,* That nothing in this act contained, shall be construed to affect any suit or action, in any court whatsoever, already commenced, or which shall be commenced, before the holding of the first term of said court of common pleas and general sessions of the peace, in said county of Niagara, so as to work any wrong or prejudice to any of the parties therein, or to affect any criminal proceedings on the part of the people of this state, but that all such civil and criminal proceedings shall and may be prosecuted to trial, judgment, and execution as if this act had never been passed.

Provided.

First court in Niagara, where held.

IV. And be it further enacted, That the first term of the said court of common pleas and general sessions of the peace in and for said county of Niagara, shall be holden at the school-house, in the village of Lewiston, and all subsequent terms of the said courts at the said school-house, in the village of Lewiston, until the court-house in and for said county, shall be erected, and so far completed, as to be, in the opinion of the judges of the court of common

pleas, in and for said county, convenient to hold their courts therein, and the said courts of common pleas and general sessions of the peace, shall thenceforth be holden in and for said county in said court-house.

V. *And be it further enacted*, That it shall and may be lawful for all courts and officers in said county of Niagara, in all cases, civil and criminal, to confine their prisoners in the gaol of the county of Erie, until there shall be a sufficient gaol prepared in the county of Niagara; and that it shall not be the duty of the justices of the supreme court to hold a circuit in the said county of Niagara, until the expiration of one year, unless in their judgment they shall deem it necessary.

Prisoners to be confined in Erie gaol.

No circuit in Niagara.

VI. *And be it further enacted*, That William Hotchkiss, Benjamin Barton, and Robert Fleming, be and they are hereby appointed commissioners to superintend the building of a court-house and gaol on such site or sites within the said county of Niagara, as the commissioners appointed in and by the second section of this act, for that purpose shall designate; and whenever the said gaol shall be so far completed as in the opinion of the said sheriff of said county, it will be safe to remove the prisoners thereto, it shall and may be lawful for said sheriff to remove all his prisoners then confined in the gaol of the county of Erie, or on the limits thereof, to said gaol in the county of Niagara, and such removal shall not be considered an escape.

Other com. appointed, and powers.

VII. *And be it further enacted*, That for the building of the said court-house and gaol, the supervisors of the several towns in the county of Niagara, for the time being, or a majority of them, shall be and they are hereby authorised and required to meet at the school-house, in the village of Lewiston, on the first Tuesday of October next, to cause to be assessed, collected and paid into the treasury of said county, the sum of one thousand dollars, and also at their second annual meeting, the sum of one thousand dollars, also at their third annual meeting, the sum of one thousand dollars, over and above the ordinary fees of collecting, in like manner as taxes to defray the contingent expenses of said county, are assessed, collected and paid.

1000d to be raised by tax in Niagara, and how applied.

VIII. *And be it further enacted*, That the said commissioners or a majority of them, may contract with the workmen, and purchase materials for building said court-house and gaol, and shall from time to time draw upon the treasurer of the said county for such sums of money, for the purpose aforesaid, as shall come into the treasury by virtue of this act, and the treasurer is hereby required, out of the monies aforesaid, to pay to the order of said commissioners, or a majority of them, the several sums of money to be by them drawn for, and it is hereby made the duty of the said commissioners to account with the supervisors of the said county of Niagara, for the monies which they shall have received from the treasurer, when thereunto required.

Monies how drawn and paid.

IX. *And be it further enacted*, That the freeholders and inhabitants of the said county of Niagara hereby erected, shall have and enjoy all and every the privileges and rights, which the freeholders and inhabitants of any other county in this state are by law entitled to have and enjoy; and that the said county of Erie and the said county of Niagara, shall continue to elect senators,

Rights and privileges of inhabitants of Niagara.

Elections
regulated.

members of assembly, and representatives in congress, in the same manner as before the passing of this act, until the legislature shall otherwise direct, and the inspectors of elections in the several towns, in the county of Niagara, shall return the votes taken at any election for senators, members of assembly, and representatives in congress, to the clerk of the county of Erie, to be by him canvassed and estimated, and returned, as if this act had not been passed.

Taxes.

X. *And be it further enacted,* That all the taxes heretofore assessed in the late county of Niagara, shall be collected, and in every respect applied in the same manner, as if this act had never been passed ; and that all sums of money due from the former county of Niagara, to the people of this state, shall be averaged and paid, by the counties of Niagara and Erie. erected by virtue of this act, according to the taxable property therein.

Judicial pro-
ceedings.

XI. *And be it further enacted,* That no record, judgment, or proceeding whatsoever, either civil or criminal, heretofore recorded, rendered, commenced, or moved, within the former county of Niagara, shall in any wise be affected by the operations of this act, and that every person who now holds or enjoys any office within the former county of Niagara, and who shall now reside within the county of Erie, shall, by virtue of his office, be considered as an officer of the county of Erie, to all intents and purposes.

Officers al-
ready ap-
pointed.

CHAP. CCXXIX.

AN ACT to incorporate the Village of Ithaca.

Passed April 2, 1821.

Boundaries.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That the district of country contained within the following bounds, that is to say, beginning at a point sixty rods east of the intersection of the south side of Owego-street, with the west side of Aurora-street ; thence running south fifty rods ; thence west one mile ; thence north two hundred rods ; thence east one mile ; thence south one hundred and fifty rods, to the place of beginning, shall hereafter be known and distinguished by the name of the village of Ithaca ; and the freeholders and inhabitants, who are qualified to vote at town meetings, who may from time to time reside within the aforesaid limits, may, on the second Tuesday of May next, meet at some proper place, to be appointed by some justice of the peace, within the said village, and notified to the inhabitants thereof, at least seven days before said second Tuesday of May, and then and there proceed to elect five discreet freeholders resident within said village, to be trustees thereof, who, when chosen, shall possess the several powers and rights herein after specified ; and such justice shall preside at such meeting, and shall declare the several persons having the greatest number of votes, as duly chosen trustees ; and on every second Tuesday of May after the first election of the trustees, there

Election of
officers.

shall, in like manner, be a new election of trustees for the said village ; and the trustees for the time being, shall perform the several duties required from the said justice, in respect of notifying the meeting of the freeholders and inhabitants of the village, and presiding at such election.

11. *And be it further enacted*, That the freeholders and inhabitants, residing within the aforesaid limits, be and they are hereby ordained, constituted and declared to be, from time to time, and for ever hereafter, a body politic and corporate, in fact and in name, by the name of the " Trustees of the Village of Ithaca ;" and by that name they and their successors for ever, shall and may have perpetual succession, and be persons in law capable of suing and being sued, pleading and being impleaded, defending and being defended, in all courts and places whatsoever, in all manner of actions, complaints and causes whatsoever ; and they and their successors may have a common seal, and may alter the same at their pleasure, and shall be in law capable of purchasing, holding, receiving, and conveying, any real or personal estate, for the use of said village, provided the said real estate shall be situated within said village ; and of erecting public buildings, such as fire engine house or houses, market or markets, and of raising money by tax, not exceeding five hundred dollars the first year, nor more than four hundred dollars for any one year thereafter ; for erecting such public buildings, procuring fire engines, and other utensils for extinguishing fires, and for making any necessary repairs or improvements, and for making a reasonable compensation to the officers of the corporation ; which money so to be raised, shall be assessed upon the freeholders and inhabitants of said village according to law, by a tax upon the real and personal property in said village, by not less than three nor more than five judicious assessors, who shall be freeholders in said village, to be chosen at their annual meeting, and collected by the collector of the corporation, to be chosen by the trustees of the said village annually, in like manner as the taxes of counties and towns are collected, by virtue of a warrant to him directed by a majority of the trustees : *Provided nevertheless*, That no tax shall be levied, or monies raised, assessed or collected, for the purposes aforesaid, or any other purpose, and no purchase or sale of any real estate made, and no public buildings erected or disposed of, without the consent of the freeholders and taxable inhabitants of said village, in open meeting, duly warned and notified, first given and expressed, by a majority of votes, then and there given : *And provided also*, and it is hereby made the duty of said assessors, in assessing the taxes so to be raised upon the inhabitants and property of said village, to apportion the same so as that the said taxes may be assessed in an equitable and just manner of and from the occupants and owners of the houses, lands, and all property in said village, in proportion as nearly as may be, to the advantages which each shall be deemed to have received from the improvement or purchase to be made by said money when collected : *Provided*, That the lands comprehended by the bounds of the village, and which are kept as wood lands, meadows, pastures, orchards, or in general that all such lands as are kept and improved exclusively as farming lands, with their appurtenances and appropriate appen-

Freeholders and inhabitants incorporated and powers.

Style.

Provide limiting the power of raising money and laying taxes

ages, shall, as long as they are so kept or improved, not be taxed for the benefit of the village, nor be subject to its jurisdiction or police, nor be deemed to be benefitted by any of the laws, ordinances, rules and regulations which the trustees may by law be authorised to make: *And provided also*, That if any person shall consider himself or herself aggrieved by any such assessment, it shall be lawful for such person or persons to appeal from the said assessors to the trustees of the said village, in ten days after such assessment shall be made, and public notice thereof given, as hereinafter mentioned, by giving notice to the said assessors, or any one of them, of such appeal, and the time and place of determining thereon by said trustees, who shall hear the same and do justice in the premises; and if either party shall conceive himself aggrieved by the decision of the said trustees, it shall be lawful for him to appeal to the next court of common pleas of the county of Tompkins, by giving eight days notice of such appeal, whose decision shall be final in the premises.

Purposes for which money is to be raised to be specified.

III. *And be it further enacted*, That it shall be lawful for the inhabitants of said village, as often as they shall vote to raise any sums of money for any of the purposes aforesaid, to specify, as far as is convenient, the particular purpose for which said sum or sums, or any part thereof, shall be appropriated, that the assessors may have regard thereto in assessing the same upon the respective inhabitants of said village.

Notice of assessment to be posted up.

IV. *And be it further enacted*, That it shall be the duty of the assessors, whenever they shall have completed the assessment of any tax, according to the provisions of the second section of this act, to affix and keep a copy of such assessment on the outer door of the court house; which said copy, so affixed, shall be a sufficient notice to all persons who shall conceive themselves aggrieved by such assessment, to appeal therefrom to the trustees of said village.

Trustees to make bye-laws.

V. *And be it further enacted*, That it shall be lawful for the trustees of the said village, or a major part of them, and their successors, to make, ordain, constitute and publish, such prudential bye-laws, rules and regulations, as they from time to time may deem meet and proper, and such particularly as are relative to the streets, alleys and highways of the said village, and draining, filling up, paving, keeping in order and improving the same relative to the Six Mile-creek, south of the inhabited part of said village, and Cascadilla creek, to prevent the same from overflowing and injuring said village; relative to slaughtering houses, and nuisances generally; relative to the firing guns, or using fireworks of any description in said village; relative to running horses in said village; relative to a village watch, and lighting the streets of said village; relative to restraining geese, swine or cattle of any kind from running at large in said village; relative to the inspection of weights and measures; relative to the keeping and regulating of hay scales; relative to public markets; relative to taverns and groceries in said village, and relative to a common pound; and relative to any thing whatsoever which may concern the public good government of said village; but no such by-law shall extend the regulating or fixing the price of any commodities or articles of provisions offered for sale: *Provided also*, That such by-laws

be not contrary to, nor inconsistent with, the laws of this state, or of the United States ; and it shall also be lawful for the trustees to require the householders and occupants of buildings in said village, under suitable penalties, to furnish themselves with fire-buckets, and other necessary utensils for extinguishing fire, and also to keep their fire places and chimneys clean and in good repair.

VI. *And be it further enacted*, That the said trustees, or a major part of them, as often as they shall make, ordain, and publish any by-laws for the purposes aforesaid, may make, ordain, limit and provide such reasonable fines, penalties and forfeitures against the offenders of such by-laws, as they may think proper, not exceeding twenty-five dollars for any one offence, to be prosecuted and recovered before any justice of the peace or court having cognizance of the same, by the trustees, to and for the use of the said corporation ; and in all cases it shall be deemed sufficient for said trustees, in any suit or action to be brought for any such fines, penalties, or forfeitures, to declare generally that the defendant or defendants are indebted to the trustees of the village of Ithaca, in the amount of such fine, penalty or forfeiture, to be paid to the said trustees for the time being, when thereunto required, and under such declaration to give the special matter in evidence ; and the freeholders and inhabitants of said village shall be deemed and are hereby declared competent to give testimony in any cause, and the justices of the county of Tompkins, residing in said village, to try any cause, and the freeholders of said village to serve as jurors in any cause wherein the said trustees are a party, notwithstanding any remote interest they may have as members of such corporation.

Fines, &c.
for breach of
by laws.

Inhabitants
competent
witnesses.

VII. *And be it further enacted*, That the person in possession of any real estate, in the village of Ithaca, at the time any tax is assessed, shall be liable to pay the tax assessed thereon, and in case such person is not bound by contract or otherwise to pay such tax, or any part thereof, he or she shall and may recover the same from the owner of such real estate or other persons whose duty it was to have paid the same ; and all taxes upon any real estate within said village shall be a lien thereon.

Occupant
to be assessed
and their
remedy a-
gainst owner.

VIII. *And be it further enacted*, That the inhabitants of said village of Ithaca, qualified to vote at town meetings, at the annual meeting in every year hereafter, to be held for choosing trustees, or any other meeting, duly notified, shall, and they are hereby authorised to choose, by a majority of votes, the assessors before mentioned, and one treasurer, one clerk, three fire wardens, and one pound keeper ; and it shall be the duty of the said clerk to keep a faithful record of all the doings and votes of the inhabitants of said village, at their annual, and other legal meetings, in a book, by him to be provided ; and in case of vacancy, by death, removal, refusal, or incapacity, to serve, of any of the aforesaid officers, it shall be the duty of the said trustees, or a major part of them, by warrant under the hands and seals of the said trustees or a majority of them, to appoint some suitable person to fill such vacancy ; and the person so appointed, shall be vested with the like powers, and be subject to the same restrictions, as

Officers how
to be chosen

Trustees to
fill vacancies

if elected by the freeholders and inhabitants of the village as aforesaid.

Trustees, &c.
to take oath
or affirmation

IX. *And be it further enacted*, That the trustees, treasurer, assessors and collector, fire wardens and pound keeper, shall within ten days after each and every election and appointment, and before they proceed to the exercise of their several offices respectively, take and subscribe an oath or affirmation, before any justice of the peace in the said village or county, for the faithful execution of the trust or office to which they may be severally chosen or appointed, and that the treasurer and collector hereafter to be elected or appointed, shall, before they enter upon the execution of their respective offices, respectively give such security for the faithful performance of the trust reposed in them, as the major part of the trustees, for the time being, shall deem sufficient.

Collector and
treasurer to
give security

President of
of trustees.

X. *And be it further enacted*, That the trustees within ten days after their election, and every year thereafter, or the major part of them, shall, and it is hereby made their duty, to choose and appoint some one suitable person of their body to be president of said board of trustees, whose duty it shall be, when present, to preside at the meetings of the trustees, to order extraordinary meetings of the trustees, whenever he shall think proper, to receive complaints of the breach of any of the laws, to see that the by-laws, rules and ordinances are duly executed and observed, and to prosecute, in the name of the trustees, all offenders against such by-laws, and whose duty it shall be more particularly to see that the public property belonging to the said village, and relating to the fire engines and utensils, be suitably taken care of and kept in order, and do such such other acts and things as may be proper for him as president of the board of trustees to do, and in case of the death or disability, or refusal to serve, of said president, the said trustees shall proceed to choose, out of their body, a successor, in manner as above mentioned; and it is hereby made the duty of the said trustees to keep a record of their doings, especially of the passing of by-laws, rules and regulations.

Time of col-
lecting taxes.

XI. *And be it further enacted*, That the collector shall, within such time as shall be specified by the by-laws of said corporation, next after the receipt of his warrant for the collection of any tax, that may have been ordered to be raised, collect and pay over the same to the treasurer; and all money at any time in the hands of the treasurer, shall be liable to be drawn out by the trustees or a major part of them, and applied and disposed of as shall have been directed by the inhabitants of said village.

Trustees
to keep ac-
counts, and to
draw money
from treasury

XII. *And be it further enacted*, That the trustees shall keep a just and accurate account of their necessary expenses and disbursements, at all reasonable times open to the inspection of the inhabitants of the said village, and that the treasurer, collector, assessors, and clerk, shall be paid for their services such suitable compensation, as the trustees, or a majority of them, by a by-law of the corporation shall provide; and that the said trustees shall reserve, for their services, such reasonable compensation as the inhabitants of said village, at their annual meetings, shall think proper to grant and allow.

Trustees to
continue in
office till
new election.

XIII. *And be it further enacted*, That the trustees, assessors, treasurer, fire wardens, clerk and pound keeper, to be elected by

virtue of this act, shall continue in office, and be authorised to exercise all the powers, and perform all the duties in this act contained, and belonging to their offices respectively, until the second Tuesday of May next following after their election as aforesaid, and until a new election of said officers shall be made pursuant to this act, and until said officers so last chosen shall take and subscribe the oath or affirmation required of them respectively.

XIV. *And be it further enacted*, That the said village of Ithaca ^{Village a road district.} be and the same is hereby constituted a road district, subject to be subdivided by the said trustees, and that the same be exempt from the superintendence of the commissioners of highways of the town of Ulysses, and the said trustees of the village of Ithaca, shall have all the powers over the said road district, and discharge all the duties which by law are given to and enjoined upon the said commissioners of highways, and subject to the like restrictions and appeals; and it is hereby declared lawful for the inhabitants of the said village, at their annual meetings as aforesaid, to choose an overseer of highways, for each and every subdivision in said road district, as shall be laid out by said trustees; which overseers shall have all the powers, and discharge all the duties in their several districts or subdivisions, which by law are given to, or enjoined upon other overseers of highways, giving in their lists, and being accountable to said trustees, in the same manner as other overseers of highways are bound, by law, to do, to the town clerk, and to the commissioners of highways.

XV. *And be it further enacted*, That it shall be the duty of ^{Firemen.} the said trustees, or a majority of them, and they are hereby authorised and empowered to appoint, under the hand of the president of the board, and seal of the village, a company of firemen, not exceeding thirty, out of the inhabitants of said village, who, with the fire wardens heretofore directed to be chosen, shall have the care, management, working, and use of the fire engine or fire engines, which belong to the said village, and also the tools and utensils for extinguishing fires; and the said trustees or a majority of them, are hereby authorised to remove or displace all or any of the firemen so as aforesaid to be appointed, when and as often as they shall think fit, and others in their stead to elect, nominate and appoint; and that the firemen so to be appointed shall be free from the performance of all militia duty, except in cases of war, insurrection, or rebellion. ^{Exempt from militia duty.}

XVI. *And be it further enacted*, That it shall and may be lawful for the trustees of said village, by writing under their hands and seals, to grant license to such persons as shall apply to keep groceries in said village, to retail strong and spirituous liquors to be drank in his or her store or shop, and that they shall receive for such license, not less than three dollars, nor more than thirty dollars, for every such license, and that the monies so raised shall be applied by said trustees towards defraying the contingent expenses of said village. ^{Groceries.}

XVII. *And be it further enacted*, That each and every grocer ^{Grocers to recognize.} shall, previous to, or at the time of receiving such license, appear before a justice of the peace of the county of Tompkins, and enter into a recognizance to the people of the state of New-York, in the sum of one hundred dollars, conditioned that such person will not,

during the time that such person shall sell liquors as aforesaid, keep a disorderly house or shop, or suffer or permit any cock fighting, gaming, or playing with cards or dice, or keep a billiard table or other gaming table, or raffling, within their said grocery.

Cayuga inlet
a public high-
way.

XVIII. *And be it further enacted*, That the creek called the Cayuga inlet, from the bridge over the same, west of said village, to the Cayuga lake, shall be, and the same is hereby declared to be, a public highway, and that the same shall be improved and kept free from obstructions, in the manner authorised in regard to common highways by the act entitled "An act to regulate highways," passed March 19, 1813.

CHAP. CCXXX.

AN ACT for extending the State Pier in the port of Sag Harbor, and the encouragement of the Whale and Cod Fisheries.

Passed April 2, 1821.

D. 10,000 ap-
propriated.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the treasurer pay, on the warrant of the comptroller, the sum of ten thousand dollars, out of any money in the treasury not otherwise appropriated, to three commissioners, to be appointed by the council of appointment, for the purpose of extending the state pier in the port of Sag Harbor, for the encouragement of the whale and cod fisheries.

Commis-
sioners
to give bonds.

II. *And be it further enacted*, That the said commissioners shall, before they enter on the duties required of them by this act, enter into bonds to the people of this state, with sufficient sureties, faithfully to discharge the duties required of them, and to expend the said sum of ten thousand dollars in extending said pier, in such manner as they, or any two of them, shall judge most conducive to the encouragement of said fisheries; and the said pier, which shall be made in pursuance of this act, shall belong to the people of this state, and the profits arising therefrom, as shall hereafter be regulated by law, shall be annually paid into the treasury of this state, by such person as the council of appointment shall from time to time appoint to receive the same: *Provided always*, That the said commissioners shall first procure of the owner or owners of any land on which they shall judge proper to make such pier, a release to the people of this state of all the right, title and interest to the same for ever.

Proviso.

Pay of com-
missioners.

III. *And be it further enacted*, That the commissioners appointed by virtue of this act, shall be allowed one dollar and fifty cents per day for each and every day they shall be actually employed in carrying this law into effect, and shall account with the comptroller for all expenditures of money under the same.

CHAP. CCXXXI.

AN ACT in addition to and amending the several acts in relation to the Salt Springs, in the county of Onondaga.

Passed April 3, 1821.

I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be the duty of the superintendent of the salt springs, in the county of Onondaga, either in person or by his deputies, carefully to inspect and examine all the salt that shall be manufactured at the said springs, and to pass no salt as good, and suffer no salt to be removed from where it is manufactured, but such as is well made, and free from dirt, filth, stones, admixtures of lime, or of the ashes of wood, or of any other substance which is injurious to salt, and which shall be fully drained from pickle, with the bitterns properly extracted: *Provided*, That nothing herein contained shall be construed to prevent any person from removing salt from the place where it is manufactured to the office where salt is usually inspected, or to any place of storage within the village where the same is manufactured.

Inspection of salt.

Proviso.

II. And be it further enacted, That it shall be the duty of the superintendent of the said salt springs, either in person or by one of his deputies, at least as often as once in three days, to examine every salt manufactory, in each of the villages where salt is manufactured, in the town of Salina, and ascertain whether there be any salt of a bad quality, and such as ought not to pass inspection by the first section of this act, and if he, or either of his deputies, shall discover any such salt, or if any such salt be offered to either of them for inspection, it shall be the duty of the said inspector, or the deputy who shall make such examination or inspection, to order and direct the manufacturer, owner, agent or servant, who shall have charge of such bad salt, forthwith to dissolve the same, in order that it may be remanufactured and cleansed from its impurities; and if the said manufacturer, owner, agent or servant, shall neglect or refuse, for the space of three hours, to comply with such order, it shall be the duty of the said superintendent, or his deputy, to destroy such salt, and if in cask, to destroy also the casks in which the same is contained; and for this purpose the said superintendent and his deputies shall have power at all times, in the day time, between the rising and setting of the sun, to enter any salt manufactory or place, where salt is stored, in either of said villages.

Bad salt to be dissolved and remanufactured.

Penalty.

III. And be it further enacted, That if any person or persons shall, in any way or manner, use any lime or ashes of wood in the manufacturing of salt, either by putting the same into the brine or salt water, before the same is boiled, or into the kettles or pans, in which salt is made, with the brine or salt water, to be boiled therein, the person or persons so offending, their aiders and abettors, shall severally forfeit and pay the sum of fifty dollars, for each and every time he, she or they shall so use any lime or ashes of wood in the manufacturing of salt as aforesaid: *Provided*, That

Lime or ashes not to be mixed with the brine, &c.

Proviso.

the use of lime as a cement in stopping leaks in the kettles, shall not be a violation of the provisions of this section.

Regulations
as to pans,
and duty of
superintend-
ent.

IV. *And be it further enacted,* That each manufacturer of salt shall keep two good bittern pans, for each three kettles or pans which he shall employ in manufacturing salt, for the purpose of removing the feculent matter during the process of making salt; and that it shall be the duty of the superintendent to ordain and publish, from time to time, such general rules, ordinances and regulations, as to him shall seem proper, and shall have the best tendency to improve the quality of the salt, both as to the mode, manner and times of using of said pans, and the mode, manner and times of separating from the salt the impurities contained in the water from which the same is made, and as to the mode, manner and times of cleansing the kettles or pans in which the salt is made, and of removing from the said kettles or pans the impurities which remain after the salt is formed and taken from the kettles or pans, and the times when and how often the same shall be done; and that every manufacturer, or other person, engaged in the manufacturing of salt, who shall neglect or refuse to provide the number of pans above mentioned, shall, for each day's neglect in that respect, forfeit and pay the sum of twenty-five cents for each pan which he shall so neglect to provide as aforesaid; and for every day, while he shall so neglect to comply with and obey such general rules, ordinances and regulations, or any of them, which shall be made and published by the superintendent as aforesaid, he shall forfeit and pay the sum of two dollars.

Penalties.

Certain sect.
not to apply,
and provision
as to loading
loose salt, &c

V. *And be it further enacted,* That the provisions contained in the seventh section of the act, entitled "An act relating to the salt springs in the county of Onondaga," shall not apply to any salt which shall be transported upon the great canal, leading from lake Erie to the Hudson river; and that it shall be lawful for the superintendent of salt springs, and he is hereby empowered, to make such regulations for the loading of loose salt on board of boats, in said canal, as in his opinion shall be necessary and proper to prevent frauds on the revenue, imposing in the same such penalties for the violation thereof, as in his opinion shall be proper, not exceeding ten dollars for any one offence; and on receiving the duties on any salt so embarked on the canal, to give a certificate of the same, stating therein the amount of salt so embarked; and it shall be the duty of the collector on the Erie canal at Syracuse, or any other collector on said canal, where any boat, having loose salt on board, shall first come from the salt works where the same was made, to stop and detain every boat having loose salt on board until such certificate shall be produced, and on the production thereof, to take the same and permit said boat to pass; and in case no such certificate shall be produced, or in case he shall be of opinion that the quantity of loose salt on board such boat exceeds the quantity mentioned in the certificate produced, he shall cause the same to be measured, and in case the quantity found on board shall exceed the amount mentioned in such certificate, he shall detain such boat, so having loose salt on board without such certificate, or which shall exceed the quantity mentioned in such certificate, with all the salt in the same, until the owner of such salt, or the owner or master of such boat, shall pay to such collector the

sum of one dollar for each bushel of loose salt so found on board such boat without such certificate, or exceeding the amount mentioned in such certificate produced, for the use of the canal fund, and two cents per bushel on the salt measured, for the expense of such measurement, in lieu of all other penalties which may have accrued by reason of removing such salt without payment of duties thereon.

VI. *And be it further enacted*, That wherever the term *reservation*, as expressed in various sections of the different acts of which this act is an amendment, and to which it is an addition, occurs, the same shall, in all cases, be deemed and taken to be all that territory which was originally set apart and reserved for the use of the salt springs in the county of Onondaga. Term reservation construed.

VII. *And be it further enacted*, That it shall be lawful for the superintendent, from time to time, and as often as occasion shall require, by writing, or warrant, under his hand and seal, to depute and appoint any suitable and proper person his special deputy, to do, execute and perform, all and singular the powers and duties conferred on and granted to the said superintendent, by the eighth section of the act entitled "An act relating to the salt springs in the county of Onondaga;" which special deputy, so appointed, shall be thereby fully authorised and empowered to execute, do and perform, in the name of the superintendent, all and singular the acts, powers and duties, which by said section the said superintendent is authorised to do and perform; and in case any barrels or casks of fine salt, of the appearance and quality of salt usually manufactured in the western district of this state, shall be found in any of the counties in the said western district, and which barrels or casks shall not be marked with the name of the superintendent thereon, in manner as directed by the third section of the last before mentioned act, it shall be lawful for the said superintendent, and his deputies, and any person for that purpose specially authorised and deputed by the said superintendent, and each and every of them, to seize all such salt, and the same to sell for the use of the people of this state, unless the owner of said salt, or the person holding the same in possession, shall prove to the satisfaction of the person seizing the same, that the duties thereon have actually been paid. Special deputy.

VIII. *And be it further enacted*, That if any person or persons shall make and counterfeit, or shall, knowingly, aid and assist in the making or counterfeiting, or shall advise, command or direct the making and counterfeiting the superintendent's mark or marks on any barrel or cask, every person so offending shall, on being convicted thereof according to the due course of law, be deemed guilty of felony, and shall be punished by imprisonment in the state prison, for a term not exceeding five years. Forging marks on barrels, &c. how punishable.

IX. *And be it further enacted*, That it shall be the duty of every manufacturer of salt, at either of the villages of Salina, Geddes or Liverpool, to brand or mark with a marking iron, or with durable paint, every cask or barrel of salt manufactured by him, with the initial letter of his christian name, and his surname at full length, in the same manner that the superintendent is required by law to do; and whenever salt shall be manufactured by a company or association of individuals, the name of the firm by which said Certain casks or barrels how to be marked, &c.

company is usually called, shall be in like manner branded or marked upon such cask or barrel; and it shall not be lawful for the superintendent, or either of his deputies, to inspect or pass any cask or barrel of salt which shall not have the manufacturer's name branded or marked thereon in manner aforesaid.

Penalties
how to be
collected.

X. *And be it further enacted*, That each and every forfeiture in this act mentioned, or in the several acts of which this act is an amendment, may hereafter be sued for and recovered before any justice of the peace or court having cognizance of the same, either in the name of the people of this state, or in the official name of the superintendent, the one half of such forfeiture, when recovered, to the use of the said people, and the other half to the use of the person who shall give information to the superintendent of the offence for which such recovery shall be had.

Certain pro-
cess may be
issued and
served on
Sunday.

XI. *And be it further enacted*, That any process by which the defendant's body is ordered to be taken, in all actions brought for such forfeitures as aforesaid, may be issued and served on Sunday, and the defendant held in custody until a reasonable time on the day following, for trial, provided such process shall be issued by a justice of the peace, and if from any court of record, then till the defendant shall give bail in the usual manner in actions where the defendant is ordered to be holden to bail.

Executions
how to be
served.

XII. *And be it further enacted*, That whenever any person or persons shall be prosecuted for any of the penalties declared by this act, or of the several acts of which this act is an amendment, and to which it is an addition, and a judgment and execution shall be obtained against such person or persons for any of the causes aforesaid, it shall be lawful for the officer having such execution to levy the same on the property of the defendant; and in default of property whereon to levy, the defendant shall be committed to the gaol of the county in which such judgment shall be obtained, where he shall remain confined within the walls of the prison, without bail or mainprize, for the term of sixty days, unless he shall sooner pay and satisfy such execution; and such execution shall have preference to any other execution which may have been levied on the property of such defendant or defendants.

Certain acts
deemed pri-
ma facie evi-
dence, &c.

XIII. *And be it further enacted*, That whenever any person or persons shall be found transporting fine salt in any of the counties west of the county of Oneida, in the western district of this state, which shall be of the quality and appearance of the fine salt manufactured at the different salt manufactories in the western district, it shall be deemed and taken to be *prima facie* evidence that the said salt was actually manufactured at some one of the salt manufactories in the said western district.

Fraud on the
revenue.

XIV. *And be it further enacted*, That in case any person or persons, being an inhabitant or inhabitants of the county of Onondaga, shall aid or assist any other person in removing or carrying away any salt from either of the said villages where salt is manufactured, without payment of the duties thereon, or shall, by his or their own act, cause such salt to be so removed or carried away without the payment of duties as aforesaid, and shall be prosecuted by the superintendent therefor, by warrant issued by any justice of the peace of the county of Onondaga, it shall not be lawful for the said justice to adjourn such cause on the prayer of the defend-

ant or defendants, unless the defendant or defendants shall consent that the said justice take the testimony in writing of any witnesses, on oath, whom the superintendent may then have present, and who at the time actually reside without the said county of Onondaga, and in case of such consent, the said justice shall then take such testimony in the presence of the defendant or defendants, and reduce the same to writing, which testimony, so taken, shall be received in evidence, on the trial of the said cause.

XV. *And be it further enacted*, That if any action of trespass on the case, trover, trespass, battery or false imprisonment, be brought against the superintendent or his deputies, or either of them, or against any other person who in their aid or assistance, or by their commandment, do any thing touching his or their office, for or concerning any matter or thing, by them, or any of them, done by virtue of his or their office, the said action shall be laid in the county where the trespass or fact be done and committed, and not elsewhere; and it shall be lawful for every person aforesaid to plead thereto the general issue, and give the special matter in evidence; and if, upon the trial of any such action, the plaintiff shall not prove that the cause of his action arose within the county wherein such action is laid, in every such case the jury which shall try the same, shall find the defendant not guilty.

Certain actions made local, and the general issue allowed.

XVI. *And be it further enacted*, That no action shall be brought or maintained against the superintendent, or his deputies, or either of them, or against any other person, who, in their aid or assistance, or by their commandment, do any act for the destruction of any bad salt, agreeable to the provisions of this act, or of the several acts of which this act is an amendment, and to which it is an addition, unless the destruction of such salt shall be proven to have been done wilfully and maliciously, and without any just or probable cause.

No action to lay unless a certain act be done maliciously, &c.

XVII. *And be it further enacted*, That it shall be the duty of the superintendent of salt springs to cause to be published, in a handbill or sheet, all the penalties for violations of any laws in relation to the salt springs and the collection of a revenue from the same, and such as he may impose under the authority granted in this act, and cause the same to be posted up at all the public places in the town of Salina, and in the cabins of the canal boats, and in the public houses on the roads leading to Salina, so far as may be conveniently done, for the information of all persons concerned; and the expenses of printing such handbills shall be paid out of the duties collected on salt.

Penalties how published.

XVIII. *And be it further enacted*, That the person administering the government of this state, by and with the advice and consent of the council of appointment, shall, from time to time, appoint some fit and proper person superintendent of the salt springs at Montezuma, in the county of Cayuga, to hold his said office during the pleasure of the council of appointment; and that the said superintendent shall give bonds to the people of the state of New-York, in the sum of three thousand dollars, for the faithful discharge of the duties of his office, in like manner as the superintendent of the Onondaga salt springs is required by law to give bonds, and to take the like oaths; which said superintendent shall possess all the powers and perform all the duties in relation to the

Superintendent of salt springs at Montezuma, &c.

manufacturing of salt at Montezuma, which the superintendent of the Onondaga salt springs possesses or performs in relation to the manufacturing of salt at the salt springs in the county of Onondaga, and shall account for all the money by him received for duties on salt, and pay the same over in like manner as the superintendent of the Onondaga salt springs is required to account and pay over; and that all the provisions, forfeitures, penalties and restrictions, contained in the laws relative to the duties upon Onondaga salt and the manufacturing thereof, so far as the same may be applicable, shall be in force in relation to the manufacturing of salt at Montezuma, and to the collection of duties thereon; and the said superintendent of the Montezuma salt springs shall be entitled to retain for his services, and in lieu of all other fees, seven and a half per cent. upon all monies which he shall collect for duties on salt manufactured at Montezuma: *Provided always*, That the superintendent of the Onondaga salt springs shall continue to be the superintendent of the Montezuma salt springs, and to collect the duties on all salt manufactured there, and possess all the powers in relation thereto, which he possesses in relation to the manufacturing of salt at the Onondaga salt springs, until a superintendent of the Montezuma salt springs shall be appointed, and actually taken upon himself the duties of such office; and in case of the death, resignation, or refusal to serve, of the superintendent of the Montezuma salt springs, during the recess of the council of appointment, it shall be the duty of the person administering the government for the time being, to appoint his successor, who shall continue in office until the council of appointment shall make a new appointment.

Proviso.

Corporations
how created
for certain
purposes.

Proviso.

Duties on
coarse salt.

Lands of the
state may be
used for mak-
ing coarse
salt, &c.

Surplus salt
waters may
be pumped,
&c.

XIX. *And be it further enacted*, That any number of persons disposed to engage in the manufacture of coarse salt, in the western district of this state, may become incorporated for that purpose, according to the provisions of the act entitled "An act relative to incorporations for manufacturing purposes," passed March 22, 1811: *Provided*, That the stock of any one company, incorporated under this act, shall not exceed fifty thousand dollars.

XX. *And be it further enacted*, That the duties on all coarse salt, manufactured in the western district of this state, of a quality equal to that of Cape Cod salt, shall be estimated on the measured bushel of salt, and not on the bushel of fifty-six pounds, for the term of ten years from and after the passing of this act.

XXI. *And be it further enacted*, That it shall and may be lawful for any individual or company, incorporated under this act, to erect works for the manufacture of coarse salt by evaporation in the sun or by artificial heat in vats or pans, on any lands of the people of this state, which shall be reserved by the commissioners of the land-office for that purpose, and to hold the land occupied by such manufactories, and the stores appurtenant thereto, for the use of manufacturing coarse salt only, for the term of twenty years from and after the passing of this act.

XXII. *And be it further enacted*, That it shall and may be lawful for any individual or company incorporated under this act, erecting manufactories of coarse salt, to pump the surplus salt water from any of the salt springs at Salina, and to carry the same in aqueducts to reservoirs, to be erected at proper elevations, and

from such reservoirs to their respective manufactories, for the supply thereof, and to use so much of the surplus water of the Erie canal, on the Salina level, as shall be necessary to pump the same, subject to such regulations as the canal commissioners shall make, in relation thereto, and also to enter on and occupy any land of the people of this state, or of individuals, necessary for the erection of pump works, reservoirs and aqueducts, as aforesaid, paying to the proprietors of such land of individual property, the value of the land so occupied for the erection of such pump works and reservoirs; and the damage done by carrying such aqueduct across such land, to be ascertained by the appraisal of three commissioners, to be appointed by the judges of the supreme court on the application of either party; and such individual or company, so erecting such pump works, shall be obligated to pump for any other manufactories of salt, the necessary supply of salt water for the same, at a rate not extending two mills per bushel on the salt manufactured from the same at all times, where there shall be sufficient surplus water in the canal, and sufficient surplus salt water in the springs at Salina; and shall be entitled to occupy the land necessary for such pump works, reservoirs and aqueducts, with the privileges aforesaid, for the term of twenty years from the passing of this act: *Provided*, and the rights hereby granted are upon the express condition, that the people of this state shall be entitled, at any time during such term, to take into their possession and management the pump works, reservoirs and aqueducts, aforesaid, paying to the owners thereof the fair value of the same, exclusive of any privilege hereby granted, to be appraised in the manner above mentioned; and thereafter pumping for the several manufactories of salt erected under the foregoing provisions of this act, the necessary supply of salt water for the same, at the rate aforesaid.

Damage how appraised, &c

Proviso.

XXIII. *And be it further enacted*, That it shall and may be lawful for the superintendent of salt springs, in case he shall deem it for the interest of the state, to prevent frauds on the revenue, to charge the duties on the salt water manufactured in the vats or pans, according to the quantity of salt it is capable of producing, making such allowance for the impurities of the water, and the necessary wastage, as from experiments he shall find to be just; which duties shall be payable quarter yearly, on the first days of January, April, July and October; and in case default shall be made in the payment of the same, the superintendent of salt springs is authorised and required to enter on and sell, at public auction, such manufactories from which the duties are so due and unpaid, with the store houses appurtenant thereto, and all salt found in the same, or so much thereof as shall amount to the duties so due as aforesaid, giving ten days notice of such sale to the owner or manager of such works, if to be found, and posting the same at three public places in the town of Salina, and after deducting the amount of such duties so in arrear, to return to the owner or manager of such manufactory the surplus monies arising from such sale; and the debt of the state, for such duties, shall have preference to all liens or incumbrances on such manufactory, with its appurtenant buildings, and all salt found in the same.

Duties may be laid on the water in the vats or pans, &c.

Penalty for
injuring aqueducts, &c.

XXIV. *And be it further enacted,* That any person injuring any pump works, aqueducts or reservoirs, for salt water, constructed under this act, shall be liable to an action of trespass, at the suit of the owner or owners thereof, in the same manner as if the land on which the same is situate was owned and possessed by the owner of such pump works, reservoirs or aqueducts; and in any such action the plaintiff shall be entitled to recover the consequential damages sustained by reason of such injury done to such pump works, reservoirs or aqueducts.

Certain duties payable
to canal commissioners.
Duty of owner.

XXV. *And be it further enacted,* That the duties on all salt manufactured in any of the counties west of Seneca lake, shall be paid to the canal commissioners; and it shall be the duty of the owner or owners of every salt manufactory in either of the said counties, on the first days of July and January in each year, to make a just and true return, on oath, of all salt manufactured at such manufactory during the six months next preceding such return, and pay the duties thereon; and in default thereof, such owner or owners shall forfeit and pay the sum of two hundred and fifty dollars, to be sued for and recovered in the name of the canal commissioners, or either of them, to the use of the people of the state of New-York.

Salary of superintendent.

XXVI. *And be it further enacted,* That the sum of three hundred dollars shall be annually paid and allowed to the superintendent, in addition to the sums now allowed by law, for expenses of an additional deputy, to be appointed and employed by him; which said deputy shall be appointed and sworn in manner now directed by law.

Duty of commissioner of land-office.

XXVII. *And be it further enacted,* That the commissioners of the land-office be, and are hereby, directed to reserve and set apart, on and near the banks of the canal, between the village of Salina and the Erie canal, and elsewhere in the town of Salina, suitable land for the erection of manufactories of coarse salt, according to the provisions of this act.

CHAP. CCXXXII.

AN ACT to divide the Towns of Brownville and Le Ray, in the County of Jefferson.

Passed April 3, 1821.

Town of Alexandria erected.

I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the passing of this act, all that part of the towns of Brownville, and Le Ray, in the county of Jefferson, lying within the boundaries following, that is to say: Beginning at the northeast corner of Penett Square, so called, and running from thence along the north line thereof west four miles to the east line of lot number six, thence north to the centre of the river St. Lawrence, thence northeasterly down the centre of said river to the county line of St. Lawrence, thence southeasterly along said county line to the northwesterly line of the town of Antwerp, thence along said line to the most westerly corner thereof, thence along the southwesterly line of said town to

the easterly corner of lot number one hundred and sixty-four, thence southwesterly to the most southerly corner of lot number two hundred and twenty-three, thence northwesterly to the east line of Penet Square aforesaid, thence north along said line to the place of beginning, shall be and the same is hereby erected into a separate town by the name of Alexandria, and that the first town meeting of the said town of Alexandria, shall be held at the house now occupied by William Merrill, in said town.

II. *And be it further enacted*, That all that part of the town of Le Ray, in the county of Jefferson, lying within the boundaries following, that is to say : Beginning at the easterly corner of lot number one hundred and sixty-four, on the southwesterly line of the town of Antwerp, and running thence along the southeasterly line of the above new town of Alexandria to the south corner of lot number two hundred and twenty-three, thence southeasterly and running parallel with the southwest line of the town of Antwerp to the northwest line of the town of Wilna, thence northeasterly along the said town line of Wilna to the town of Antwerp aforesaid, thence northwesterly along the said town line of Antwerp to the place of beginning, shall be and the same is hereby erected into a separate town by the name of Philadelphia ; and that the first town meeting of the said town of Philadelphia shall be held at John Strickland's tavern house in said town.

Town of Philadelphia erected.

III. *And be it further enacted*, That all that part of the town of Brownville, in the county of Jefferson, lying within the boundaries following, that is to say : Beginning at the southwest corner of Penet Square, (so called,) thence north along the west line of said Square to the centre of the river St. Lawrence, thence northeasterly along the centre of said river to the above new town of Alexandria, thence south along the west line of the said town of Alexandria to the north line of Penet Square aforesaid, thence east along the north line of said square to the northeast corner thereof, thence south along the east line of said Square to the southeast corner thereof, thence west along the south line of said Square to the place of beginning, shall be and the same is hereby erected into a separate town by the name of Orleans ; and that the first town meeting of the said town of Orleans shall be held at the house now occupied by Harvey Boutwell, in said town.

Town of Orleans erected.

IV. *And be it further enacted*, That all free male inhabitants in the town of Orleans aforesaid, of the age of twenty-one years and upwards, shall be good and sufficient jurors in all courts to be holden before any justice of the peace in and for the said county of Jefferson, and shall be eligible to any town office in the said town of Orleans, in the same manner as if they were freeholders in said town.

Eligibility to office in the town of Orleans, &c.

V. *And be it further enacted*, That so much of the oaths directed by law to be taken by town officers, as respects their being freeholders, may be omitted in the oaths to be taken by the town officers hereafter to be chosen in the said town of Orleans.

Oaths.

VI. *And be it further enacted*, That all the remaining parts of the towns of Brownville and Le Ray, shall be and remain separate and distinct towns by the names of Brownville and Le Ray ; and that the next town meetings of the said towns of Brownville and

Remaining parts of towns retain their former names

Le Ray shall be held at the places where the last town meetings were respectively adjourned.

Division of
monies and
poor.

VII. *And be it further enacted*, That it shall be the duty of the supervisors and overseers of the poor of the towns of Brownville, Le Ray, Alexandria, Philadelphia, and Orleans, to meet at the house of J. Hoovers, in said town of Le Ray, on the second Tuesday of March, one thousand eight hundred and twenty-two, for the purpose of dividing the money, and credits or debts, and incumbrances, as the case may be, and the poor belonging to the several towns above mentioned, agreeably to the last preceding tax lists of the said towns aforesaid; and that each and every of the above said towns shall for ever thereafter respectively keep and maintain its own poor.

CHAP. CCXXXIII.

AN ACT to divide the Town of Windsor, in the County of Broome, and for other purposes.

Passed April 3, 1821.

Town of
Sandford
erected.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That from and after the first Monday of March next, all that part of the town of Windsor, lying east of a line, beginning on the south line of Bainbridge, at the northeast corner of Robert Harper's patent, and running thence south on the east line of said patent, to the southeast corner, thence west, on the south line thereof, one mile; thence south, parallel with the patent line, to the Pennsylvania line, shall be erected into a separate town by the name of Sandford; and that the first town meeting shall be at the house of William McClare, in said town.

Town of
Colesville
erected.

II. *And be it further enacted*, That all that part of the town of Windsor, lying west of the said town of Sandford, and north of a line beginning at the southeast corner of said Robert Harper's patent; thence running westwardly on the south line of said patent, to the Susquehannah river; thence down and across the river on the patent line, until it strikes the river opposite James Stringham's; thence down the centre of the river, until it comes opposite to the north line of John Doolittle's land, in Hammond's patent, being the line between the fourth and fifth tier of lots from the south line of said patent; thence west as the line runs, between the fourth and fifth tier of lots to John Watt's patent; thence north forty chains, to the north line of the second tier of lots in said patent; thence west on said line of lots, to the east line of the town of Chenango, shall be erected into a new town, by the name of Colesville; and that the first town meeting shall be at the house of Nathan Cole, jun. in said town.

Remaining
part retains
its name.

III. *And be it further enacted*, That all the remaining part of the town of Windsor, shall be, and remain a separate town, by the name of Windsor, and the first town meeting, after the division, shall be at the house of Samuel Storr, in said town.

IV. *And be it further enacted*, That as soon as may be, after the first Tuesday in March next, the supervisors and overseers of the poor of the aforesaid towns, by notice to be given by the supervisors thereof, shall meet together, and divide the monies belonging to the said town of Windsor, as well as the poor belonging to said town, previous to the division thereof, agreeably to the last tax list, and the gospel and school lands unsold, shall be divided in the like manner, and each of said towns shall for ever thereafter support and maintain their own poor.

Division of poor and monies.

V. *And be it further enacted*, That from and after the first Monday in March, eighteen hundred and twenty-two, the annual town meeting of the town of Ridgeway, in the county of Genesee, shall be held on the first Tuesday in March, and the town officers, whose duty it is to meet on the first Tuesday preceding the annual day of town meeting, shall thereafter meet on the last Tuesday of February, to do and transact such business as to their offices may appertain.

Town meeting in Ridgeway in Genesee county.

VI. *And be it further enacted*, That from and after the first Monday in April, eighteen hundred and twenty-two, the annual town meeting of the town of Greenwich, in the county of Washington, shall be held on the first Tuesday in April, and the town officers whose duty it is to meet on the Tuesday preceding the day for holding town meetings, shall meet on the last Tuesday of March thereafter, to do and transact such business as to their offices may appertain.

And in Greenwich in Washington county.

VII. *And be it further enacted*, That from and after the passing of this act, the annual town meeting in the town of Putnam, in the county of Washington, shall be held on the first Tuesday in March annually, and the town officers, whose duty it is to meet on the last Tuesday preceding their town meetings, shall hereafter meet on the last Tuesday of February, to do and transact such business as to their several offices may appertain.

And in Putnam in same county.

VIII. *And be it further enacted*, That the act entitled "An act to authorise the sale of lands appropriated for the promotion of literature," passed April 13th, 1813, be and the same is hereby so amended, as that the annual income arising from the sale of the literature lot in the township of Fayette, in the county of Chenango, shall be paid to the trustees of Oxford academy for the use and benefit of said academy.

Certain monies payable to Oxford academy.

CHAP. CCXXXIV.

AN ACT supplementary to an Act, entitled "An act to erect a New County, by the name of Monroe, from parts of the Counties of Ontario and Genesee, and for other purposes," passed the 23d day of February, 1821. And also an act, entitled "An act to erect a New County, by the name of Livingston, from parts of the counties of Ontario and Genesee, and for other purposes," passed on the same day.

Passed April 3, 1821.

I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That out of the sum of

Monies for agricultural purposes granted.

five hundred dollars, granted to the county of Ontario; and out of the sum of two hundred and fifty dollars, granted to the county of Genesee, in and by the act, entitled "An act for the promotion of agriculture in the state of New-York," passed the 7th April, 1819, there shall be the sum of one hundred and thirty-six dollars, which is hereby granted to the said county of Monroe, and the sum of ninety-eight dollars hereby granted to the said county of Livingston; and that there shall be only the sum of three hundred and twelve dollars out of the said sum of five hundred dollars, hereafter payable to the said county of Ontario, and only the sum of two hundred and four dollars out of the said sum of two hundred and fifty dollars, hereafter payable to the said county of Genesee: *Provided*, That the said sums shall not be paid until there shall be agricultural societies first formed in the said counties of Monroe and Livingston respectively, and when so formed they shall comply with the requisitions and conditions of the second, third, fourth, and fifth sections of the act last referred to.

Gaol liberties

II. *And be it further enacted*, That the commissioners named in the respective acts aforesaid, for the purpose of fixing on the sites for the public buildings in the said counties of Monroe and Livingston, shall be and hereby are, authorised to lay out, at the same time, gaol liberties for those counties respectively, in such manner as they shall deem most suitable and convenient for the prisoners, who may be confined thereon, and not exceeding two square miles of land in extent, to each of the said counties.

Judicial proceedings confirmed.

III. *And be it further enacted*, That all precepts issued and judgments rendered, by any magistrate, and the service of all process by any of the constables in any of the towns, which have been taken from either of the counties of Ontario or Genesee, and set off to either the county of Monroe or the county of Livingston, from and after the passing of the aforesaid acts, and before notice of the due organization of the said counties of Monroe and Livingston, respectively, being done and performed in those towns lying on the east side of the Genesee river, by officers in and for the county of Ontario; and in those towns lying on the west side of the said Genesee river, by officers in and for the county of Genesee, shall be, and are hereby declared to be, valid in law to all intents and purposes; as likewise the services of all process within the aforesaid towns, by either of the sheriffs or coroners of the said counties of Ontario and Genesee; and that no abatement shall be had or obtained on any of the above described proceedings, for want of this provision in the aforesaid acts, to which this is supplementary.

Certain monies apportioned.

IV. *And be it further enacted*, That the supervisors of the counties of Ontario, Genesee, Monroe and Livingston, the county treasurers of the said counties of Ontario and Genesee, and the county clerks of the said counties of Monroe and Genesee, in case there be no county treasurers appointed in and for the said counties, shall meet at the house of James Ganson, in the town of Avon, in the said county of Livingston, on the second Tuesday of June next, to apportion all the monies in the hands of the county treasurers of the said counties of Ontario and Genesee, respectively, instead of meeting on the first Monday in June, as mentioned in the first act hereby amended; and when they have so met, they

shall apportion all debts and effects, as well as monies, belonging to the said counties of Ontario and Genesee.

V. *And be it further enacted*, That the sheriffs of the said ^{Sheriffs.} counties of Monroe and Livingston shall severally be liable to the supervisors of the said county of Ontario, for the maintenance of all criminal prisoners which they or either of them may respectively commit for confinement in the gaol of the said county of Ontario; and that the supervisors of the said counties of Monroe and Livingston respectively, are hereby authorised and directed to levy ^{Prisoners.} in their respective counties, the amount of charges for the maintenance of their said several criminal prisoners, in the same manner as other contingent expenses are levied and collected in and for the said several counties, and to order their several county treasurers to pay over the same to their sheriffs respectively, for payment to the supervisors of the said county of Ontario.

VI. *And be it further enacted*, That until there shall be county treasurers appointed in the said counties of Monroe and Livingston, or either of them, it shall and may be lawful for the secretary of state to forward all documents relating to the state census, to the clerks of the said counties, respectively, and to hold the like correspondence with them on all county business as with the treasurers of other counties, and that the postage chargeable on such communications shall be paid by the said secretary at the expense of the state: *And further*, That the clerks of the said counties of Monroe and Livingston shall do and perform all the duties enjoined by law on county treasurers, until there be county treasurers appointed therein ^{Duty of secretary of state.} ^{And of the clerk of Monroe & Livingston.}

VII. *And be it further enacted*, That the commissioners appointed in and by the thirteenth section of the first act hereby amended, for the purpose of superintending the erection of the public buildings in the said county of Monroe, shall, before they enter on the duties of their said office, give bonds with approved sureties to the supervisors of the said county for the faithful expenditure of the monies committed to their charge for that purpose; and that they shall each of them be allowed the sum of one dollar and fifty cents-per day for each day they may be employed in the duties of that office; and the amount of their charges therefor, shall be levied on the said county and collected in the like manner as the other contingent expenses of the said county are. ^{Bonds by commissioners.} ^{Compensation.}

VIII. *And be it further enacted*, That no suit either civil or criminal, commenced or to be commenced previous to the last Tuesday in May next, in either of the said counties of Ontario or Genesee, shall be in any manner affected by the passage of the acts hereby amended; but that the said suits shall and may be prosecuted to trial, judgment and execution, in the same manner as if those acts had not been passed. ^{Judicial proceedings not to abate.}

IX. *And be it further enacted*, That the commissioners appointed in and by the tenth section of the second act hereby amended, for the purpose of establishing a site for the public buildings in the said county of Livingston, shall cause their decision to be made in writing and signed by all or a majority of them, and filed in the clerk's office of the said county, and when so signed ^{Further duty of commissioners.}

and filed, their determination shall be final and conclusive in the premises.

Collector's
fees.

X. *And be it further enacted*, That the supervisors in and for the said county of Livingston, shall, to the sum which they are authorised, in and by the eleventh section of the second act hereby amended, to raise for the purpose of erecting the public buildings in the said county, add three cents to each and every dollar thereof for the collector's fees, and one cent for the county treasurer's fees thereon; which said fees shall be assessed at such times, and levied and collected in the same manner, as the other contingent charges of the county are levied and collected.

Town of
Wheatland
erected & its
former name
abolished,

XI. *And be it further enacted*, That all that part of the town of Caledonia which is included in the county of Monroe, and which in that act is erected into a new town by the name of Inverness, shall from and after the passing of this act, be known and called by the name of Wheatland.

School mo-
nies.

XII. *And be it further enacted*, That commissioners of common schools in and for the towns of Caledonia, Wheatland, Sweden, Clarendon, Rush and Avon, shall meet at the same time and places with the supervisors and overseers of the poor in and for those towns, for the purpose of apportioning and dividing the school monies belonging to the said towns of Caledonia, Sweden and Rush, severally, if there be any remaining on hand.

CHAP. CCXXXV.

AN ACT to revive and continue in force the act entitled "An act to vest certain powers in the Freeholders and Inhabitants of the Village of Herkimer."

Passed April 3, 1821.

Act revived;

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the act entitled "An act to vest certain powers in the freeholders and inhabitants of the village of Herkimer," passed the 6th of April, 1807, be and the same is hereby revived and continued in full force and virtue, and that the male inhabitants thereof may, on the second Monday of May next, meet at some proper place in said village and choose five trustees to manage the concerns of the said village, conforming in all respects to the provisions contained in the second section of the act hereby revived, and all the provisions of said act shall be continued and be considered as re-enacted, any non-user or omission to comply with the provisions of said act notwithstanding.

CHAP. CCXXXVI.

AN ACT authorising the erection of a House of Industry in the Town of Poughkeepsie.

Passed April 3, 1821.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That it shall be lawful for the overseers of the poor of the town of Poughkeepsie, with the consent of the freeholders and inhabitants of the said town, to be signified at the annual town meeting of said town by a vote of a majority of said freeholders and inhabitants then and there assembled, and at the proper charge of said town, to be assessed and levied in the manner prescribed by the act entitled "An act for the relief and settlement of the poor," passed April 8th, 1813, to purchase and hold to themselves and their successors in office for ever, who are hereby constituted a body corporate for that purpose only, in trust for the use of said town, at such place in the said town as the said overseers and the supervisor of said town, or a majority of them, shall deem proper, a tract of land not exceeding one hundred acres, for such sum as may be deemed reasonable, and that said overseers shall thereon build and erect, for the accommodation, employment and use of the poor of said town, suitable buildings, to be denominated the House of Industry of the said town: *And also,* to purchase necessary materials for setting such poor persons to work, and there to maintain and employ the poor of the said town, and to take the benefit of their labor and services for their better maintenance and relief.

Certain powers of overseers of the poor.

Declared a corporation quoad hoc

II. *And be it further enacted,* That after the said house of industry shall be erected it shall be the duty of the overseers of the poor of the said town to take upon themselves and have the exclusive charge and management, direction and superintendence of the same, and every thing relating thereunto, and shall from time to time make, ordain and establish such prudential rules, regulations and by-laws for the well ordering of the same, and the employment, relief, management and government of the persons therein placed, and the officers and servants therein employed, and the correction of the refractory, disobedient and disorderly, by solitary confinement therein, as they shall deem expedient for the good government of the same; that the said overseers of the poor shall and may from time to time appoint and employ a suitable person to be keeper of said house, and necessary servants under him, and the same keeper and servants to remove at their pleasure, and to require from the said keeper a bond with sufficient sureties for the faithful discharge of his duty.

House of industry how regulated.

III. *And be it further enacted,* That it shall be lawful for the keeper of said house of industry, under the direction of said overseers of the poor, to require and compel all persons committed to his charge or custody in the same, to perform such labor and services towards defraying the expense of their maintenance and support as they shall severally be able to perform; in case any such person

Keeper of house of industry.

shall neglect or refuse to perform the work, labor and service required of him or her, or shall at any time neglect or refuse to comply with any rule, regulation or by-law which shall as aforesaid be made and established for the well ordering and government of the persons placed in said house of industry, or shall at any time depart therefrom until he or she shall be regularly dismissed and discharged, in each and every such case it shall and may be lawful for any such keeper to place and keep each and every person so offending in solitary confinement in some part of said house, until he or she shall be willing to perform the same labor, work and service, and obey, conform to and observe the rules, regulations and by-laws aforesaid, or for such time as the said keeper shall judge proportionate to his or her respective offence or offences: *Provided however*, That every person who shall think himself or herself aggrieved by the order for confinement or conduct of such keeper, shall and may be permitted to make his or her complaint to the overseers of the poor of said town, who shall immediately examine into the grounds of said complaint, and make such order and direction in the case as to him shall appear fit and proper, which order shall be final and conclusive.

Proviso,

Power to mortgage and sell, &c.,

V, *And be it further enacted*, That the said overseers of the poor shall have power, by and with the assent of the freeholders and inhabitants of the said town, expressed in the manner prescribed in the first section of this act, to mortgage the lands and premises so by them to be purchased according to the directions of this act, for the payment of the purchase money and erecting buildings thereon, or any part thereof, and also to sell, dispose of and convey the said premises, and at such time and in such manner as a majority of the freeholders and inhabitants of said town shall in manner aforesaid direct.

Certain powers confirmed

VI. *And be it further enacted*, That nothing in this act contained shall be so construed as to abridge, restrain or in any wise impair the power and authority of the overseers of the poor of the said town of Poughkeepsie, under the act for the relief and settlement of the poor, passed the 8th of April, 1813, any further than the same may be inconsistent with the provisions of this act.

CHAP. CCXXXVII.

AN ACT to amend an act entitled "*An act to incorporate the Members of the Religious Society of Roman Catholics belonging to the Congregation of St. Peter's Church, in the City and County of New-York,*" passed 11th April, 1817.

Passed April 3, 1821.

Duty of treasurer of St. Peter's Church and St. Patrick's Cathedral.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That from and after the passing of this act it shall be the duty of the joint treasurer for the time being of St. Peter's Church and St. Patrick's Cathedral, duly appointed under the by-laws of said corporations, to keep a book to register all the names of electors qualified to vote at elections for officers under the act hereby amended; and it shall be the duty of

the said joint treasurer at all times when so required, to give, under his hand, to every person duly qualified to vote at elections under the act hereby amended, a certificate of such fact; which certificate shall bear date within six months prior to the election, and shall, at all such elections, be full and conclusive proof of the qualification of the person named therein to vote at such elections.

II. *And be it further enacted by the authority aforesaid*, That if such joint treasurer, whose duty it is hereby made to grant such certificates of qualification, shall, without sufficient and legal cause, refuse to grant such certificate to any person so qualified as aforesaid, the said joint treasurer, so refusing, shall, for every such offence, forfeit the sum of ten dollars, with costs of suit; and any inspector of such elections, who may refuse to receive the vote of any person presenting said certificate, and named therein, shall forfeit a like sum of ten dollars, with costs of suing; the said penalties to be recovered in any court having cognizance thereof, in the name of the commissioners of the alms house of the city of New-York, to the use of the poor of the said city.

Penalty for certain refusal, &c.

And whereas under the act hereby amended, notice of the said elections is required to be given in the church, and during divine service: *And whereas* such arrangement is offensive, and disturbs the harmony of divine worship: Therefore,

Preamble

III. *Be it further enacted by the authority aforesaid*, That the notification of all elections under the said act hereby amended, shall be in writing, signed by the Catholic bishop for the time being, the president ex-officio of the board of trustees of said church, and shall be put up in a conspicuous place in the porch of the said church, for three Sundays successively immediately preceding such election.

Notice of election.

IV. *And be it further enacted by the authority aforesaid*, That all clauses and sections of the said act hereby amended, which may be inconsistent with the provisions of this act, be, and the same are hereby, repealed.

Part of act repealed.

CHAP. CCXXXVIII.

AN ACT to amend an act, entitled "*An act concerning Judgments and Executions.*"

Passed April 3, 1821.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That all judgments rendered in any court of record within this state, between the ninth day of April, one thousand eight hundred and eleven, and the second day of April, one thousand eight hundred and thirteen, shall be and remain a lien against all persons whatsoever, upon the estate of the person or persons against whom such judgment may have been entered, for ten years from the time the same shall have been docketed, any law, usage or custom to the contrary notwithstanding; and from and after the said ten years, the same shall cease to be a lien on the real estate of bona fide purchasers, or subsequent incumbrances by mortgages, judgment, or otherwise: *Provided*,

Lien of certain judgments.

Provide

Further pro-
viso.

That in case the party in whose favor any such judgment or judgments shall have been entered, shall be restrained by injunction out of chancery, or order of any judge or court, either from issuing execution, or selling thereon, the time which he shall be so restrained shall not be deemed or considered as any part of the said ten years: *And provided further*, That nothing in this act shall be construed to revive or extend the lien, or apply to any judgments obtained against any persons who have been discharged under any of the insolvent laws of this state, after the said judgments were rendered, so as to incumber any lands, tenements, or real estate, acquired by the person or persons against whom such judgment may have been rendered subsequent to his or their said discharge, and conveyed to bona fide purchasers.

Provision
where scire
facias has is-
sued.

II. *And be it further enacted*, That whenever a scire facias shall have been issued before the first day of May last, upon any judgment obtained in any court of record in this state, before the ninth day of April, one thousand eight hundred and eleven, shall be now pending, and judgment shall be rendered thereon before the first day of February next, such judgment upon such scire facias shall have the same effect in the law as if such judgment had been obtained before the ninth day of April, one thousand eight hundred and twenty-one, and execution sued out thereon and duly levied.

Provision
where execu-
tions have
issued.

III. *And be it further enacted*, That all judgments on which executions have been actually issued and delivered to the proper officer, shall continue to be a lien on the real estate of the person or persons against whom such judgments shall have been obtained for the space of three months from and after the passing of this act; and where any such execution shall have been stayed, or be stayed by order of any judge, justice, mayor, recorder or commissioner, such judgment shall continue to be a lien as aforesaid, for the term of three months after such order shall be vacated; and in case such order shall be actually vacated, no new order to stay proceedings on such execution shall be granted, or in any manner operate as a further stay of such execution, any thing in the act hereby amended, contrary to the provision of this section, notwithstanding.

Presumption
of payment
when to ap-
ply.

IV. *And be it further enacted*, That the presumption of payment shall apply to all judgments heretofore rendered, or hereafter to be rendered, in any court of record in this state, to wit: to judgments heretofore rendered after twenty years from the passing of this act, and to all judgments hereafter to be rendered after twenty years from the docketing such judgment, in the same manner as such presumption applies to sealed instruments.

CHAP. CCXXXIX.

AN ACT to alter and amend an act, entitled "An act to amend an act, entitled "An act to incorporate the Highland Turnpike Company, and several acts in addition thereto."

Passed April 3, 1821.

I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for each and every person residing upon the said turnpike road, in any town intersected by such turnpike road and liable to be assessed to work upon highways in such town, to elect to work either upon the said turnpike road or upon the other roads or highways in such town, upon which they are now liable to be assessed to work, and to notify such election to the commissioners of highways in such town, at any time before their annual meeting for the assessing the inhabitants of such town to work upon highways, any thing contained in the act entitled "An act to amend an act, entitled "An act to incorporate the Highland turnpike company," passed April 14, one thousand eight hundred and fifteen, to the contrary thereof notwithstanding.

Provision as to working on turnpike or road.

II. And be it further enacted, That all persons residing on or adjacent to the Highland turnpike road, who shall notify their election to work on said turnpike road, agreeable to the second section of the act hereby amended, to the commissioners of highways of the towns through which the said turnpike road runs, it shall be the duty of the said commissioners to assess all such persons in the several towns aforesaid, to work on said turnpike road, agreeable to the provisions of an act entitled "An act in addition to an act to amend an act to incorporate the Highland turnpike company," passed on the third day of April, one thousand eight hundred and eighteen; and the said commissioners of highways shall cause a list of such assessments to be delivered to the president and directors of the said Highland turnpike company, or any one of them; which company shall have power to appoint overseers on the several sections of the said turnpike road, and shall direct the repairs of the same; and the said overseers shall have the same powers and perform the same duties as are required by the overseers of public highways in and by the act for regulating highways, passed the nineteenth day of March, one thousand eight hundred and eighteen, any thing in the before mentioned act, passed on the third day of April, one thousand eight hundred and eighteen, to the contrary in any wise notwithstanding.

Persons how to be assessed

Overseers.

III. And be it further enacted, That the third section of the act, entitled "An act supplementary to, and to amend an act, entitled "An act to incorporate the Highland turnpike company," be so amended as that pleasure sleighs, drawn by two or more horses, pay the same rates of toll as are to be by the said act paid by stage sleighs; and that the toll on all other sleighs and sleds six cents; and that the toll on sheep be reduced so that a score of sheep shall pay three cents, instead of six cents as allowed by the said act; any thing in the said act to the contrary notwithstanding.

Toll altered.

Time of com-
pleting road
extended to
30 years.

IV. *And be it further enacted*, That the time limited in and by the seventeenth section of the act, entitled "An act to incorporate the Highland company for the completion of the said therein mentioned road," shall be, and hereby is, extended to the period of twenty years from and after the passing of the said act, any thing in the said seventeenth section, and in the first section of an act to amend an act, entitled "An act to incorporate the Highland turnpike company," passed the fourteenth day of April, one thousand eight hundred and fifteen, to the contrary notwithstanding.

CHAP. CCXL.

AN ACT for the Payment of the Officers of Government therein mentioned.

Passed April 3, 1821.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That there shall be allowed to the several officers of the government hereinafter mentioned, from and after the passage of this act, the following annual salaries : To the person administering the government of this state, the sum of four thousand dollars ; to the secretary of state, and as superintendent of common schools, the sum of one thousand two hundred and fifty dollars ; to the deputy secretary of state, and as clerk of the land-office, the sum of eight hundred dollars ; to the surveyor-general, the sum of eight hundred dollars, provided that the said surveyor-general shall account with the comptroller of this state, and pay into the treasury all the fees he may have received, and not already accounted for, or shall receive by virtue of his said office ; to the treasurer, the sum of one thousand dollars ; to the treasurer's clerk, the sum of eight hundred dollars ; to the adjutant-general, including office expenses, eight hundred dollars ; to the commissary-general, the sum of eight hundred dollars ; to the reporter of the supreme court, five hundred dollars ; to the comptroller, the sum of two thousand five hundred dollars ; to the deputy comptroller, the sum of one thousand dollars ; to the chancellor, the sum of three thousand dollars ; to the judges of the supreme court, the sum of three thousand dollars each, but this provision shall not be construed to extend to any judge of the supreme court who may be appointed after the number shall amount to five, nor to authorise the increase of their number, without special legislative provision for that purpose ; to the attorney-general, the sum of eight hundred dollars ; to the private secretary of the governor, three hundred dollars ; to the judge of the court of probates, the sum of three hundred dollars ; to each of the acting canal commissioners, the sum of two thousand five hundred dollars, in lieu of all charges and expenses, and it shall be their duty, or any two of them, to act as appraisers of lands, in place of the appraisers now authorised by law, and all laws on the subject of the appointment of appraisers, inconsistent with this provision, be, and the same are hereby, repealed : *Provided however*, That any appraisement made as aforesaid, may be set aside by the supreme court, if it shall ap-

Salaries.

D4000 to gov.

1250 sec. state

800 dep. sec.

800 surv. gen.

1000 treas'r.

800 treas. clk.

800 adj. gen.

800 com. gen.

500 s. c. rep.

2500 compt'r.

1000 d. comp.

3000 chance.

3000 to each

judge sup.

court.

800 att'y-gen.

300 gov's p.s.

300 jud. prob.

2500 each ca-

nal comm'r.

Proviso.

pear to the said court that such appraisement is not just and equitable: to the president of the senate and speaker of the assembly each four dollars and fifty cents per day, for every day they shall attend in their respective stations; and to each member of the senate and assembly, three dollars for every day he shall attend either of the said houses respectively, and the like compensation to the president of the senate, speaker of the assembly, and to the other members of the legislature, for every twenty-five miles from the place of his residence to the place of the meeting of the legislature, and such distance shall be estimated by the most usual roads, and shall be computed both for the travelling to and returning from the place of their said meeting, and if any member of the senate and assembly shall, after his arrival at their said place of meeting, be prevented by sickness from attending either of the said houses respectively, he shall be entitled to the daily allowances aforesaid, for every day he shall be so prevented, and the comptroller shall issue his warrant to the treasurer for the payment of such sums as may become due to each member respectively, upon the receipt of a certificate signed by the president of the senate or the speaker of the assembly, setting forth the number of days that the member in whose favor it shall be given may have attended either house respectively, and the estimated distance of his place of residence from the place of meeting of the legislature; and that the members of any convention which may be called within this state, shall be entitled to the like compensation as members of the senate and assembly are by virtue of this act; and that there shall be allowed and paid to the printers to this state, two thirds only of the sums now allowed by law for publishing all advertisements directed by law to be inserted in the newspaper printed by the printers to this state; and the said annual salaries shall be paid in equal quarterly payments, on the first day of April, July, October, and January, in the manner directed by the act, entitled "An act for the support of government," passed February seventeenth, one thousand eight hundred and thirteen.

D4.50 per diem to pres. of senate and speaker of assembly, & D3 per diem to each member and for every 25 m. travelling.

D3 per diem to each member of convention.

State printers reduce one third from former rates.

II. *And be it further enacted*, That the office of superintendent of common schools be, and the same is hereby, abolished, and the duties heretofore required of him shall be performed by the secretary of state.

Sec'y state ex officio superint. of com. schools.

III. *And be it further enacted*, That from and after the passing of this act, it shall be lawful for the several clerks of the supreme court of this state to receive, in lieu of the salaries now received by them, the following fees, perquisites and emoluments, that is to say:

Fees allowed clerks of sup. court instead of salary.

For sealing a writ, six cents.

Filing a declaration, or other pleading, six cents.

Entering an appearance or default, six cents.

Entering every rule, not exceeding two folio of seventy-two words, each ten cents, and six cents for each folio over.

A certified copy of rule not exceeding two folios of seventy-two words, each, when required, six cents, and four cents for each folio over.

For every report on assessment of damages, or on any reference made to him, twenty-five cents.

Every certificate given by him, six cents.

Entering every nonnuit, ten cents.

Calling and swearing every jury, twelve and a half cents.
 Entering the return of a writ, and filing the writ, six cents.
 Filing a writ of error, habeas corpus, or certiorari, with the return thereof, six cents.

Swearing each witness, three cents.

Swearing a constable to attend a jury, three cents.

Filing every roll, six cents.

Docketing a judgment, twelve and a half cents.

Taking a verdict, and entering the same in the minutes, ten cents.

Entering a judgment, ten cents.

Entering or filing a retraxit or discontinuance, six cents.

Drawing and engrossing exemplifications of records, for each sheet containing seventy-two words, six cents.

Copies of records and pleadings, for each sheet containing seventy-two words, five cents.

Attending and striking a special jury, and delivering a copy of the same to each party, thirty-eight cents.

Copies of records to be returned upon writs of error, for each sheet containing seventy-two words, six cents.

Filing an affidavit or other paper, on request, five cents.

Entering satisfaction on record, ten cents.

Searching the records in any one year, six cents; and for every other year in which search is made, two cents.

Searching for judgment, three cents, for every year in which such search is made.

Entering confession of lease, entry, and ouster, ten cents.

Reading and entering a postea, twelve and a half cents.

Swearing each witness to a will, six cents.

Drawing the proof of wills and codicils, ten cents, for each sheet containing seventy-two words.

Recording a will or codicil, and the proof, as by law directed, ten cents, for each sheet containing one hundred and twenty-eight words, and for copies thereof, when required, six cents for every sheet containing one hundred and twenty-eight words.

Examining and signing a note of a fine, six cents.

Examining and signing the indentures of a fine, nineteen cents.

For making, entering, and endorsing each proclamation of a fine, nineteen cents.

For attending and examining the enrollment of the several parts of a fine, thirty-one cents.

Examining and signing, and affixing the seal to the exemplification of a fine or recovery, thirty-one cents.

Signing a judgment, twelve and a half cents; and taxing every bill of costs, twenty-five cents.

And the said several clerks shall have full power and lawful authority to collect said fees, perquisites, and emoluments, in the same manner they were authorised to collect said fees, perquisites and emoluments, previous to the passage of the act, entitled "An act concerning the clerks of the supreme court of this state, and for other purposes," passed April 6, 1810.

D 1900 to clerk of senate.

IV. *And be it further enacted*, That from and after the first day of May next, there shall be allowed to the clerk of the senate an annual salary of one thousand two hundred dollars; and to the

clerk of the assembly, an annual salary of one thousand eight hundred dollars, in lieu of all compensation and perquisites heretofore received by them respectively, and for which they shall provide their own assistants and clerks, and perform all duties now required of them by law; and that it shall not be necessary to copy the journals of the senate or assembly for the governor, nor to furnish the state printer the copies of messages, bills, and other communications, copies of which shall be furnished in the journals; the said sums of money to be paid to the said clerks, by the treasurer, on the warrant of the comptroller, on the first day of May in each and every year.

\$1800 to clk. of assembly.

V. *And be it further enacted*, That the secretary of state shall be allowed the sum of eight hundred dollars for clerk hire and office expenses, instead of the sum now allowed by law.

VI. *And be it further enacted*, That the members of the council of appointment, for each day of their attendance in council during the recess of the legislature, and for travelling from and to their respective place of residence, shall be entitled to the like compensation as is allowed by this act to the members of both houses of the legislature; and the comptroller shall issue his warrant to the treasurer for the sums that may so become due to them respectively, upon the receipt of a certificate signed by the person administering the government of this state, setting forth the number of days that they may have severally attended in council, and the distance of their several places of residence from the place of their meeting, and the sums due to them severally on that account.

DS per diem to each mem. of council of app't. when met during recess of legislature.

VII. *And be it further enacted*, That it shall be the duty of the attorney-general of this state, the clerks and surrogates, clerks in chancery, registers and assistant registers in chancery, clerks of the supreme court, district attorneys, clerks of criminal courts, and sittings or circuits in the city of New-York, health officers, flour inspectors, register in the city of New-York, inspectors and deputy inspectors of distilled spirits, to render an account, on oath, to the secretary of state, of all the fees and perquisites, or emoluments, received or charged by them in account, or due them by virtue of their respective offices, or the performance of any official act or duty, and an account of the necessary disbursements and expenditures by them actually incurred and paid out in the execution of the duties of their said offices, from the first day of May to the first day of November next; and also the probable receipt and expenditures by virtue of their said office, for the remainder of the year; the said reports to be made to the secretary of state by the first day of December next, to the end that the legislature may know how far the same are reasonable, and to enable them to make such alteration as may be deemed proper and necessary.

Duty of certain officers to render accounts to sec. state on Dec. 1, 1821.

VIII. *And be it further enacted*, That if any officer so required to account, shall wilfully neglect or refuse to make and render such account as is required by this act, he shall be deemed guilty of a misdemeanor, and on conviction thereof in any court having cognizance of the same, shall be subject to fine and imprisonment, or either of them, at the discretion of such court; *Provided*, That such fine shall not exceed one thousand dollars, and that such imprisonment shall not exceed six months.

Penalty for refusal.

Proviso.

Duty of sec'y
state to pub.
certain sect.

IX. *And be it further enacted*, That the secretary of this state cause the two next preceding sections of this act to be published for two weeks, in the month of April next, in one public newspaper in each county of this state.

Half cent per
bushel to a
measurer of
grain.

X. *And be it further enacted*, That the several measurers of grain within this state shall be entitled to receive for measuring flax seed, wheat, rye, corn, buckwheat, or any other article commonly sold by the bushel, one half cent per bushel, and no more, the one half to be paid by the buyer, and the other half by the seller.

Certain sect.
repealed.

XI. *And be it further enacted*, That so much of the third section of the act, entitled "An act to regulate the exportation of flax seed, and the compensation to measurers of grain," passed March 21, 1801, which allows three fourths of a cent per bushel for measuring, be, and the same is hereby, repealed: *And further*, That the several inspectors of flour and meal in this state, in lieu of the price at present allowed, shall receive one and a half cent, and no more, for the inspection of every barrel and half barrel of flour or meal, and four cents, and no more, for the inspection of every hogshead of flour or meal, to be paid one half by the buyer, and one half by the seller.

1 1-2 ct. per
bbl. to insp.
of flour, and
4 cts. for a
hhd.

Certain sect.
repealed.

XII. *And be it further enacted*, That the fifth section of the act, entitled "An act for the inspection of flour and meal," passed the third of April, 1801, which allows inspectors of flour four cents per hogshead, and two cents per barrel for every hogshead or barrel of flour or meal, be, and the same is hereby, repealed.

and certain
laws.

XIII. *And be it further enacted*, That all laws inconsistent with the provisions of this act, be, and the same are hereby, repealed.

Vacancies in
the office of
canal com.
how filled.

XIV. *And be it further enacted*, That in case of the death or resignation of any of the canal commissioners, the commissioners of the canal fund, or a majority of them, are hereby authorised and required to appoint one or more canal commissioners to supply such vacancy or vacancies, which commissioner or commissioners are to continue in office until the legislature shall appoint others in their stead, and it shall be the duty of the president of the board of the commissioners of the canal fund, to notify said commissioners to meet for the purpose aforesaid.

CHAP. CCXLI.

AN ACT relating to Quit Rents.

Passed April 3, 1821.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for all and every person or persons, who is or are seized or possessed of any lands, tenements or hereditaments in this state, charged with an annual quit rent, to commute for the same, and for all arrears of quit rent due on the same, at any time within two years from the passing of this act, by paying into the treasury of this state one dollar and fifty cents for every shilling sterling of

such annual quit rent reserved to be paid in said grant, and in the same proportion for the lands they may pay for; and that such lands, tenements or hereditaments, for which the same is so paid shall for ever thereafter be discharged from all quit rents, now or hereafter to become due thereon.

II. *And be it further enacted*, That the comptroller be and he is hereby authorised and directed to postpone the sale of all lands for quit rents, for two years from the first day of May next, and he is hereby authorised and directed to discharge all lands from quit rents and arrears due on the same, of such of the owners or proprietors as shall comply with the first section of this act.

CHAP. CCXLII.

AN ACT to further amend the act incorporating the Mohawk Bridge and Ballston Turnpike Company.

Passed April 3, 1821.

WHEREAS it has been represented to the legislature, by the petition of the president and directors of said company, that the bridge of the said company to be rebuilt over the Mohawk river at Alexander's mills would equally accommodate carriages and teams passing the same, if the width thereof was reduced two feet from the width required in the law incorporating the said company: *And whereas*, it appears reasonable that the prayer of the said petition should be granted: Therefore,

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the bridge of the said company, to be rebuilt on the Mohawk river aforesaid, may be of a width not less than twenty-three feet, any thing in the act incorporating the said company to the contrary notwithstanding.

CHAP. CCXLIII.

AN ACT for the relief the Widow and Children of Jacob Staats, deceased.

Passed April 3, 1821.

WHEREAS Elizabeth Staats, widow and relict of Jacob Staats, late of the town of Schodack, in the county of Rensselaer, hath presented her petition to the legislature, representing that the said Jacob Staats died intestate about eighteen months since, seized of a valuable real estate, situate at the place and in the county aforesaid, leaving the petitioner, his widow, and ten children, and one orphan grand-child; the two eldest of whom are daughters and of full age, and all the rest under the age of twenty-one years; that no person has sued out letters of administration on the estate of the said deceased, and that his whole remaining personal estate does not exceed in value the sum of two hundred dollars; that this real estate is charged with three legacies, amounting to about one

thousand and sixty-eight dollars, and a judgment amounting to about three hundred and eighty dollars; that his estate is indebted besides to different persons, in about the sum of fifteen hundred and sixty-five dollars, and that the creditors are becoming urgent for the payment of their debts; that for want of legal authority to borrow money on the real estate, and by reason of the unwillingness of any person to administer on the personal estate, it is impracticable to raise money to satisfy the aforesaid debts; that the petitioner is apprehensive that proceedings may be commenced against the heirs, by some of the creditors, to procure a forced sale of the real estate, in which case the whole will be sacrificed, and she and her children left destitute; that in case she can be authorised to dispose of part of the said real estate under the direction of the chancellor of this state, she believes that she may save the homestead and about one hundred and ten acres of land for the support of herself and children: Wherefore, the said petitioner by her said petition, prayed that the legislature would pass an act authorising her, in conjunction with such other person as the chancellor shall see fit, to sell and convey under his direction and with his approbation, so much of the said real estate, as may be necessary to satisfy the debts of the deceased, and to apply the monies arising from the sale thereof accordingly: *And whereas*, the prayer of the said petition appears reasonable: Therefore,

Authority to
sell under the
direction of
the chancellor.

I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the above named Elizabeth Staats, in conjunction with such other person as the chancellor shall see fit to appoint, to sell and convey, under his direction and with his approbation, so much of the real estate whereof the said Jacob Staats deceased, died seized, as may be necessary to satisfy the aforesaid legacies and debts due by the said deceased; and the conveyance or conveyances which shall be executed on such sale or sales, shall vest in the purchasers respectively and their heirs and assigns, all the right, title, interest and estate which the above named Jacob Staats, deceased, had in and to the lands and premises thereby conveyed at the time of his death.

II. And be it further enacted, That the chancellor shall require such security as he may think proper and necessary, and in such form as he shall direct, from the said Elizabeth Staats and such person as shall be joined with her in the trust aforesaid, for the faithful execution of the said trust, and to account to the chancellor when thereunto required.

CHAP. CCXLIV.

AN ACT for the relief of certain Proprietors of the Brighton Bridge Company.

Passed April 3, 1821.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That all proceedings against Elisha B. Strong, Levi H. Clark, Elisha Beach and Heman Norton, on their bond and mortgage executed to the people of this

state, be and the same are hereby suspended for the term of five years, upon payment of all costs, expenses and interest that have accrued thereon; and that if at any time within the period aforesaid the said persons shall sell any part of the lands so mortgaged, and take a mortgage for the purchase money thereof payable in five years with annual interest, or any part of such purchase money as aforesaid, payable to the people of this state, together with a bond of such purchaser, upon producing such mortgage and bond to the comptroller, with a certificate endorsed thereon by any three judges of the court of common pleas of the county of Monroe not interested in the premises, that the land thereon mortgaged is worth, exclusive of the buildings, one half more than the sum for which the same are given, it shall be lawful for the comptroller thereupon to receive such bond and mortgage as payment for the amount, for which the same shall be given, and to endorse such amount as paid upon the said bond and mortgage executed by the said Elisha B. Strong and others as aforesaid, and such portions of land as shall be described in the mortgages thus received, shall be discharged from the original lien.

CHAP. CCXLV.

AN ACT authorising the Surveyor-General to lease certain Lands belonging to the State, in the St. Regis Reservation.

Passed April 3, 1821.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the surveyor-general to lease the lands reserved for military purposes, within the mile square in the St. Regis reservation, for and during the term of ten years, to such person or persons as he shall think fit and proper, and for such rent or rents as in his opinion will be beneficial for the state, either by improvements on said premises or an annual rent to be paid into the state treasury: *Provided always*, That a clause be in said lease for the state to re-enter into full possession of the said premises whenever the legislature may deem it fit and proper.

Lease for ten years to be given by surveyor-gen'l.

Proviso.

CHAP. CCXLVI.

AN ACT to amend an act entitled "An act recommending a Convention of the People of this State."

Passed April 3, 1821.

I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the clerks of the several counties of this state shall make their returns of transcripts of certificates of election to the secretary of this state, as required by the act, entitled "An act for regulating elections," and the act hereby amended, on or before the twenty-first day of May next;

Duty of the county clerk, and of the canvasser.

and the said secretary shall, on or before the twenty-third day of the same month, in conjunction with the surveyor-general, attorney-general, comptroller and treasurer of this state, attend at the secretary's office, to be notified for that purpose by such secretary, and perform all and singular the duties required of them by the acts aforesaid, and shall within three days after such meeting, decide upon and complete their proceedings, agreeable to the requirements of said acts, any thing in the act hereby amended, or the act entitled "An act regulating elections," to the contrary notwithstanding.

Duty of sec'y
of state.

II. *And be it further enacted*, That it shall be the duty of the secretary of state to transmit by express a copy of the certificate required to be transmitted by the fourth section of the act entitled "An act recommending a convention of the people of this state," passed March 13, 1821, to the sheriffs of the respective cities and counties of this state, in case it shall appear to the secretary, surveyor-general, attorney-general, comptroller and treasurer, to be necessary to adopt that course, in order to give effect to the said act, and the expense of such express or expresses shall be paid by the treasurer, on the certificate of the secretary, and on the warrant of the comptroller.

Officers au-
thorised to ad-
minister cer-
tain oaths to
canvassers.

III. *And be it further enacted*, That any mayor, recorder, judge of any court of common pleas, clerk of any county, or any commissioner authorised to administer oaths, shall have full power and authority to qualify the canvassers of the votes given at any election, and returned to the secretary's office, for governor, lieutenant-governor, senators, members of congress, or of the votes given for or against a convention of the people of this state.

CHAP. CCXLVII.

AN ACT to amend the act for building a Bridge over the Genesee River, passed March 21, 1817.

Passed April 3, 1821.

Certain per-
sons subject
to toll.

BE it enacted by the People of the State of New-York, re- presented in Senate and Assembly, That it shall not be lawful for any person or persons to cross the Genesee river, within one mile of the bridge authorised to be erected by the said act, while such bridge shall remain in good repair, without paying to the proprietors thereof the toll established by law, and the said proprietors may collect and receive such toll in the manner prescribed in the act aforesaid, but it shall and may be lawful for any person or persons to pass and re-pass, with his or their own boats, or on the ice, without being subject to toll: *Provided*, That nothing herein contained shall be so construed as to repeal or impair the seventh section of the act to which this is an amendment.

Provide.

CHAP. CCXLVIII.

AN ACT *authorising a Survey and Leasing of certain Lots of Land, lying in the Village of Lewiston, and also certain Lots at Schlosser.*

Passed April 3, 1821.

I. *BE it enacted by the People of the State of New-York,* Duty of surveyor-gen'l. *That the surveyor-general shall cause to be laid off, in the month of April, all those two blocks or parcels of land, in the village of Lewiston, being at the extremity of the portage road, and each bounded on it and on the Niagara river, into lots of suitable size, for the erecting of stores or warehouses thereon; but reserving a space of not more than forty nor less than thirty feet, as in his judgment will be for the interest of the state,) on and along the margin of the river in front of the said two blocks, and for the whole distance of the breadth of the said village, which shall be a road or public highway, and which he shall cause to be surveyed and described in a map of said village;* Further duty. *that the surveyor-general shall also cause to be surveyed, so many lots at Schlosser, as the commissioners of the land-office may deem sufficient, and of such size as would be suitable, and the situation most eligible for the erecting of stores or warehouses thereon.*

II. *And be it further enacted,* Lots at Lewiston to be leased. *That as soon as the survey is made, the surveyor-general shall be and is hereby authorised to lease the said lots at Lewiston, for such length of time not exceeding ten years, as he shall think expedient and proper, and for such annual rent as the commissioners of the land-office shall determine to be just and reasonable.*

III. *And be it further enacted,* What number of lots to be leased to each person. *That no lease shall be granted to any individual or firm for more than one lot, unless it shall appear to the satisfaction of the surveyor-general that more is required to enable the individual or firm applying therefor, to prosecute his or their business to advantage, and that the lessee or lessees shall in all cases be obliged to erect a store or warehouse upon each and every lot by him or them leased as aforesaid, and if the surveyor-general shall be satisfied that the store or warehouses, or any of them are not used and occupied as such by the lessee or lessees, his or their heirs or assigns, or if it shall appear that the lease of any lot was obtained for the purpose of transferring the right and interest therein to any other person, or for the purpose of aiding or assisting any other person or persons in indirectly obtaining the use of said lot, in order to prevent competition in the commerce of the lots or in the transportation of goods from Lewiston to Schlosser, such lease shall be declared void, and the improvement on such lot or lots shall be forfeited, and the surveyor-general shall be and is hereby authorised to lease the same to any other person or persons applying therefor, under the regulations and restrictions aforesaid.*

CHAP. CCXLIX.

AN ACT to vest certain Powers in the Freeholders and Inhabitants of the Village of Sackett's Harbor.

Passed April 3, 1821.

Sounds.

Name.

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That the district of country comprising great lots number twenty-two and fifty-four, and subdivision lots number one and two in great lot number fifty-two, of the town of Hounsfield, in the county of Jefferson, shall hereafter be known and distinguished by the name of the Village of Sackett's Harbor; and the freeholders and inhabitants qualified to vote at town meetings, who may from time to time reside within the aforesaid limits, may on the first Tuesday of June next, meet at such place as shall be appointed by the present trustees of said village, and notified to the inhabitants thereof at least eight days previous to the said first Tuesday in June next, and then and there proceed to elect seven trustees, freeholders thereof, who when chosen shall possess the several powers and rights herein after specified, and the present president of said village, or in his absence, one of the trustees of said village, shall preside at such meeting, and shall declare the person having the greatest number of votes as duly elected trustees of said village, and on the first Tuesday of June in each and every year thereafter, there shall be a new election of trustees and such other officers as are herein after provided for said village, and it shall be the duty of the trustees to attend such meetings, and for the president or in his absence one of the trustees, to preside at and to perform the duties herein mentioned, and in respect to notifying the meeting of the freeholders and inhabitants of the village.

Style & powers of the trustees.

II. *And be it further enacted,* That all the freeholders and inhabitants residing within the aforesaid limits, be and they are hereby ordained, constituted and declared to be from time to time and for ever hereafter, a body politic and corporate, in fact and in name, by the name of "The Trustees of the village of Sackett's Harbor," and by that name they and their successors shall and may have perpetual succession, and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, complaints and causes whatsoever; and that they and their successors may have a common seal, and may change and alter the same at pleasure, and shall be capable in law of purchasing, holding and conveying any estate real or personal for the use of said village, and erecting public buildings, and that the trustees to be appointed under this act, and their successors, shall by virtue of this act become absolutely and completely vested with, possess and enjoy all the lands, tenements, hereditaments, property, rights, causes of action, privileges, immunities and estate whatsoever, both in law and equity, in possession, reversion or remainder, which at the time of passing this act were vested in or belonging to the present trustees of the village of Sackett's Harbor: *Provided,* That nothing herein

contained shall affect any suit or suits now pending in the name of the present trustees of the village of Sackett's Harbor.

III. *And be it further enacted*, That there be and for ever hereafter there shall be, in and for said village seven trustees, one clerk, one treasurer, one collector and three assessors. Number of officers.

IV. *And be it further enacted*, That all elections of trustees or other officers for said village, shall be by ballot, and shall be conducted as follows; every person qualified to vote at every such election, who shall offer himself to vote, shall deliver his ballot to the presiding officer of such election, which ballot shall be a paper ticket containing the names of seven persons for trustees, three persons for assessors, or such or so many as he may think proper to vote for, designating who are voted for as trustees, and who for assessors, and the said ticket shall be so folded or closed as not to discover the writing or printing therein, and on the receipt of every such ballot the presiding officer of such election shall, without suffering the same be opened or inspected, cause the same to be put into a box to be provided for that purpose by the trustees of said village: *And further*, That the poll of such election shall be opened at one o'clock in the afternoon, and shall continue open until five o'clock in the afternoon of the same day, and no longer, and the name of each elector voting at such election shall be written in the poll list to be kept at such election by the clerk of said village, and the poll being closed, the president or presiding officer shall, in the presence of the trustees or a majority of them, proceed without delay publicly, first to count the said ballots unopened, and if the number of ballots so counted shall exceed the number of electors contained in the poll lists, the officers holding such elections shall draw out and destroy unopened so many of the ballots as shall amount to the excess, and if two or more ballots are found rolled up or folded together, they shall not be estimated; and thereupon the officers holding such election shall immediately proceed, openly and publicly to canvass and estimate the votes on the same day, and shall thereupon certify and declare the number of votes given for each person for each respective office, and shall file such certificate in the office of the clerk of the village on the same day, and the person having the greatest number of votes for each of said offices, shall be declared to be duly elected to such offices respectively, and the assessors so elected shall possess the like powers and be subject to the same regulations as assessors of the town, so far as it relates to their duties as village assessors. Election.

V. *And be it further enacted*, That on the first Tuesday of June aforesaid, in every year hereafter, the inhabitants of said village qualified to vote as herein before mentioned, when assembled at such meeting, shall by ballot elect and choose all the officers by this act specified and named, and in the same manner as is provided for the election of the trustees and assessors, excepting the clerk of the village, who shall be annually appointed by the board of trustees. Day of election.

VI. *And be it further enacted*, That if any vacancies shall happen in the officers so chosen, by death, resignation or otherwise, before an annual election shall be held, it shall be lawful for the board of trustees of said village to direct an election to be holden at such time and place as they may think proper, to supply such vacancy, and the said meeting shall be conducted in all respects in Vacancies how to be filled.

the manner of the annual election, and the officer or officers so chosen shall hold their office till the next annual election, but if no election should be held as aforesaid, then it shall be lawful for the trustees or a major part of them to meet and fill such vacancy: *Provided*, That no meeting shall be held of the freeholders and inhabitants of said village unless public notice shall have been previously given by written or printed notices, put up in three or more public places in said village, at least eight days previous to such meeting.

Penalty for
not acting.

VII. *And be it further enacted*, That if any freeholders of said village shall be elected to any of the offices provided by this act, and having notice thereof, shall for the space of eight days after such notice refuse or neglect to take upon himself such office, he shall by such neglect or refusal forfeit a sum not exceeding ten dollars, at the discretion of the court having cognizance of the same, to be recovered in the name of the treasurer of said village, for the use of said village, in an action of debt, with costs, to be taxed by the court before whom it may be tried.

Meeting of
the trustees.

VIII. *And be it further enacted*, That the said trustees or a majority of them, assembled on village business, shall constitute the board, and the board of trustees shall be summoned and held at such times and places in said village as the president, or in his absence or sickness, any two trustees of said village shall appoint, and the president shall preside at the meetings of the board of trustees, or if he be absent one of the trustees may be appointed by the members present as chairman pro hac vice, and the said board of trustees shall annually meet at some place in said village on or before the second Tuesday of June in each year, and by a plurality of votes appoint one clerk, one or more pound masters, fence viewers, porters, carriers, carters, truckmen, packers, headles, bellmen, common criers, scavengers, measurers, surveyors, gaugers and sextons, or such of them as they shall think proper, and all or every of them so appointed and accepting shall be under such regulations as shall be made by the said board of trustees in their discretion.

Firemen.

IX. *And be it further enacted*, That the present firemen of the village of Sackett's Harbor, shall be and they are hereby declared firemen of said village, subject however to be removed by the said board of trustees in like manner as other firemen of said village.

President.

X. *And be it further enacted*, That it shall be lawful for the president of said village by and with the advice and consent of the board of trustees of said village, to grant permits for retailing spirituous liquors under five gallons, and for keeping inns and taverns in said village, at the time and under the regulations prescribed by the act entitled "An act to lay a duty on strong liquors and for regulating inns and taverns," and take the recognizance prescribed by the same act, and also exact and receive from the several persons to whom such permits shall be given or granted the same excise duties as are allowed and prescribed by the said recited act, to be paid over to the overseers of the poor of the town of Hounsfield for the support of the poor of said town.

Permits.

XI. *And be it further enacted*, That it shall not be lawful for the board of excise of the town of Hounsfield to grant any permits or license under the act entitled "An act to lay a duty on strong

liquors, and for regulating inns and taverns," to any person residing within the limits of the said village.

XII. *And be it further enacted*, That it shall and may be ^{Ordinances.} lawful for the board of trustees of the village of Sackett's Harbor to pass all such ordinances as they shall think proper, for regulating petty grocers, keepers of ordinaries, or victualling houses, or houses where fruits, oysters, clams, liquors or meats shall be sold, in order to be eaten or drank at such houses within said village, and for executing a recognizance from every such grocer or other person or persons as aforesaid, in such a penalty and with such sureties as the board of trustees shall deem reasonable, not exceeding one hundred and twenty-five dollars, conditioned that he, she or they shall not permit or suffer any strong or spirituous liquors to be drank in his, her or their house, shop, out-house, yard, garden, or premises, nor suffer any kind of gaming within the same, nor sell any sort of spirituous liquors to any apprentice, servant or slave, without a permit from his, her or their master or mistress, and that no tavern keeper, grocer or other person as aforesaid in said village shall suffer any riot or any riotous or noisy persons to be assembled in his, her or their house, shop, out-house, yard, garden or premises, nor permit at any time any manner of gaming, quarrelling or other disorderly practice or conduct, nor keep any billiard table or other instrument or device used for gaming; and that it shall and may be lawful for the said president of said village, in conjunction with any two justices of the peace in the county of Jefferson, to hear and determine in a summary way any complaint which may be preferred against any tavern keeper, grocer or other person as aforesaid for any offence in the premises, and in case they shall judge it necessary or proper, to deprive any such tavern keeper, grocer or other person as aforesaid, who shall offend in the premises, of his, her or their permit or license: *And further*, That the recognizance which may be required of any person or persons licensed to retail strong or spirituous liquors to be drank in his, her or their house, shop, out-house, yard, garden or premises, within the said village, in pursuance of the said act, entitled "An act to lay a duty on strong liquors and for regulating inns and taverns," passed April 7th, 1801, and the recognizance of other persons aforesaid, to be taken and entered into as aforesaid, pursuant to the provisions of this act, instead of being entered into and acknowledged to and in the name of the people of the state of New-York, shall be taken in the name of the said trustees of the village of Sackett's Harbor, and the said board of trustees shall and may make such orders in relation to prosecutions for breaches thereof as they shall deem proper and necessary to preserve peace and good order and to promote the welfare of said village.

XIII. *And be it further enacted*, That it shall and may law- ^{Streets and highways.} ful for the commissioners of highways of the town of Honnsfield, to lay out streets, public highways, and alleys, within the limits of said village, of a less width than four rods, when so required by a majority of said trustees, upon the application of twelve freeholders belonging to said village, any thing in the act for regulating highways to the contrary notwithstanding: *And further*, That the like proceedings shall be in all respects observed, as under the aforesaid act for regulating highways.

Ordinances.

XIV. *And be it further enacted,* That it shall and may be lawful for the said board of trustees to pass such ordinances as they shall deem proper to regulate, keep in repair, clean and alter the streets, alleys and highways, in said village, and may appoint one or more suitable person or persons, to see that the same are conformable thereto, who shall take an oath faithfully to perform his or their trusts; and the said board of trustees shall and may, from time to time, pass ordinances for the more effectual suppression of vice and immorality, for preserving peace and good order, to prevent forestalling and regrating, and for detecting and restraining every kind of fraudulent device and practice within said village; to enforce the due observance of the Sabbath day; and to suppress and restrain disorderly and gaming houses, billiard tables, and other instruments and devices used for the purpose of gaming; to direct the keeping and returning bills of mortality, and to impose penalties on physicians, sextons and other persons, for any default in the premises; to regulate the keeping, carting, conveying and transporting of gunpowder, or other combustible or dangerous materials, and the use of candles or lights in livery or other stables; to prevent the construction of any fire-places, hearth, chimney, stove, oven, boiler, kettle, or apparatus used in any house, building or manufactory, and to remove the same when considered dangerous in causing or promoting fires, to direct the safe construction of deposits for ashes; and to appoint one or more officers, at reasonable times, to enter into and examine all dwelling houses, lots, yards, inclosures, and buildings of every description, in order to discover whether any of them are in a dangerous situation, and to cause such as may be dangerous to be put in a safe condition; to regulate the guaging casks of spirituous liquors, and to appoint one or more suitable persons to superintend and conduct the same; to regulate the place and manner of selling and weighing hay; to restrain and punish the forestalling of poultry, butter, and eggs; to regulate and prevent the running at large of any dogs or sluts, owned by persons residing in said village, or to impose a reasonable tax upon the owners or possessors of such dogs or sluts; to appoint an examiner of weights and measures, and to prescribe their duties; to regulate and prevent carrying on manufactories dangerous in causing or promoting fires; to appoint fire wardens and fire engineers, with such duties and powers as the said board of trustees shall prescribe; and to adopt and establish such measures and regulations for the prevention or suppression of fires as the said board of trustees shall deem expedient; to compel the owners and occupants of houses and other buildings to have scuttles on the roofs of any such houses or buildings, and stairs or ladders leading to the roof; to regulate the dimensions of chimneys, hereafter to be constructed, so as to admit chimney sweeps to sweep and clean the same; to appoint watchmen, and prescribe their powers and duties; to authorise any magistrate, constable or other person, to stop any person riding or driving immoderately through or in any street in said village, or otherwise to prohibit such offences; to abate or remove any nuisances in any street, or on the lot or inclosure of any person or persons; to regulate the market or markets in said village; to regulate cartmen and cartage, truckmen and their charges; to appoint firemen to manage and take charge of

the fire engine or engines, and the apparatus thereunto belonging, under such regulations as they shall deem necessary, and remove the same firemen and appoint others in their stead, which firemen shall be exempt from serving as jurors out of the village, or in the militia, except in case of insurrection or invasion, or other imminent danger : *Provided*, That the whole number of firemen in said village shall not exceed the number of twenty-five to each engine at any one time : to authorise the president, or any trustee or fire warden, to remove or keep away from the vicinity of any fire all idle and suspicious persons during such fire, and to compel any person or persons to aid in the extinguishment thereof, or in the preservation of property exposed to the danger of such fire ; to require the sheriff and his deputies, and all constables, and the watch, to be aiding in the extinguishment thereof, or in the preservation of property exposed to the danger of such fire ; to require the sheriff and his deputies, and all constables, and the watch, to be aiding in the extinguishment of fires, and the preventing goods or effects from being purloined thereat, and in securing the same, subject to the orders of the president or any trustee present at such fire ; to require the inhabitants of said village respectively to procure such and so many fire buckets, in such manner and times as they shall prescribe, and to regulate the use of them in times of fire ; to directing the paving or flagging of any of the streets in said village, within the compact parts of said village, by or at the expense of the owner or owners, or occupants, of houses and lots fronting on said street, in proportion to the width of their respective lots so fronting on said street ; to regulate the assize and quality of bakers' bread, and to provide for the seizure and forfeiture of such bread baked contrary thereto ; to prevent the incumbering the streets, side walks and alleys with wheelbarrows, carriages, carts, lumber, stone, or any other materials whatsoever ; to restrain the running at large of cattle, horses and swine ; and at their discretion to compel the sweeping or cleaning of chimnies, and to prevent chimney sweeps, unless licensed as they shall direct, from sweeping or cleaning of chimnies ; to restrain vagrants, mendicants, street beggars or persons soliciting alms or subscriptions for any purpose whatever, and all persons from harboring them without giving previous notice thereof to a member of the board of trustees ; to light the streets of said village ; and to prevent the unnecessary waste of water which may be needed for said village, and to establish and regulate the pumps, wells and reservoirs in the streets of said village ; to establish and regulate one or more public pounds in said village ; to survey the boundaries of said village ; to prevent and remove encroachments upon streets and alleys within said village ; to restrain any riot, rout, noise, disturbance or disorder, by assemblages in any street or place in said village ; to regulate the vending of meat and vegetables in said village ; and generally to make all such rules, regulations, by-laws and ordinances, for the good government and order of said village as they may deem expedient, not repugnant to the constitution or laws of this state, and to enforce the due observance thereof by inflicting penalties on any citizen or inhabitant thereof, or other person or persons, for the violation of any by-law of said board of trustees, not exceeding twenty-five dollars for any one of-

fence, recoverable with costs in an action of debt by and in the name and for the use of the trustees of said village, before any justice of the peace of the county of Jefferson; in which action the first process may be by warrant, and there shall be no stay of execution after judgment upon any pretence whatever, nor shall any exemption be allowed thereupon; and in which action it shall be lawful to declare generally in debt for such penalty, and give special matter in evidence: *And further*, That for the purpose of enforcing the by-laws of the said trustees against offenders who have no goods or chattels, lands or tenements, whereof such penalties can be collected, it shall be lawful for the court of justice before whom any such offender shall be duly convicted, to cause him to be imprisoned, for a term not exceeding thirty days, in the common gaol of the county of Jefferson; and that all fees and expenses of prosecuting and punishing offenders under the said by-laws, shall be defrayed by the said trustees, and by them charged to said village.

Citizens eligible to office.

XV. *And be it further enacted*, That that it shall be no objection to any judge, justice, juror, witness or constable, in any trial by virtue of this act, that he or they are inhabitants of said village.

Oath.

XVI. *And be it further enacted*, That all the officers so appointed by virtue of this act, shall, within the time prescribed by the seventh section of this act, take and subscribe an oath, before some person duly authorised to administer oaths, faithfully and impartially to execute and perform the duties of his appointment; which oath shall be forthwith filed in the office of the clerk of said village: *And further*, That the treasurer and collector hereafter to be appointed, shall, before they enter upon the duties of their respective offices, respectively, give such security for the faithful performance of the trust reposed in them, as the major part of the trustees, for the time being, shall deem sufficient.

Taxes.

XVII. *And be it further enacted*, That the said board of trustees may, from year to year, cause a sum, not exceeding one thousand dollars, to be raised by tax, upon the vote of the freeholders and inhabitants in said village, at a meeting duly notified, to defray the expenses of lighting the streets of said village, supporting a night watch therein, and defraying the expense of any local improvement, and to defray the contingent expenses in said village which may be necessary; to be rated and assessed upon the estates in said village, real and personal, among the owners and occupants in a just and equitable manner, in proportion as nearly as may be to the advantages and security which each shall be deemed to acquire thereby, in the same manner as the taxes of the county of Jefferson are assessed; which money, so assessed as aforesaid, shall be collected in the manner that taxes are collected in said county, by the collector of said village, by virtue of a warrant signed by the president of said village, under the common seal of said village, and paid into the hands of the treasurer of said village, to be subject to the order of the board of trustees: *Provided*, No assessment be made on any vacant lot owned by a non-resident, for the expense of lamps or lighting the same.

Former act repealed.

XVIII. *And be it further enacted*, That the act, entitled "An act vesting certain powers in the freeholders and inhabitants of the

village of Sackett's Harbor," passed April 15, 1814; be; and the same is hereby, repealed: *And further*, This act shall be a public act, and shall be construed in all courts and places favorably for every beneficial purpose therein intended. This a public act.

XIX. *And be it further enacted*, That it shall be competent for the legislature hereafter to alter or amend this act. May be altered or amended.

CHAP. CCL.

AN ACT for the Payment of certain Officers of Government, and for other purposes.

Passed April 3, 1821.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the treasurer shall pay, on the warrant of the comptroller, to each of the several clergy, who shall have attended the legislature as chaplains during the present session thereof, the sum of three dollars for every day they may have so attended, and that the number of days each shall have attended as aforesaid shall be certified by the president of the senate, or the speaker of the assembly. D3 per diem to chaplains.

II. *And be it further enacted*, That the treasurer shall pay on the warrant of the comptroller, to Willard Smith, assistant door-keeper to the assembly, the same pay that is or may be provided by law, for the door-keeper of the assembly. W. Smith assistant door keeper.

III. *And be it further enacted*, That the treasurer shall pay on the warrant of the comptroller, to the person administering the government of this state, to defray the incidental expenses of administering the same, a sum not exceeding the sum of seven hundred and fifty dollars: *Provided*, He shall account with the comptroller for the expenditure thereof. D750 incidental expenses.

IV. *And be it further enacted*, That the treasurer shall pay, on the warrant of the comptroller, the sum of eight hundred and four dollars and eighty-five cents, to William Popham, clerk of the court of exchequer, in full compensation for the balance of his accounts, due from the said people to him, on the first day of January term, one thousand eight hundred and twenty-one, as audited by the said court for his salary, and all other expenses by him paid for stationary, and other necessaries of his said office. D804.85 to W. Popham.

V. *And be it further enacted*, That it shall and may be lawful for the comptroller to draw on the treasurer, for a sum not exceeding two hundred and fifty dollars, for the payment of the clerks employed by him in pursuance of the joint resolution of the senate and assembly of the twenty-sixth day of January last. D250 to comp'r. clks.

VI. *And be it further enacted*, That the comptroller be, and he is hereby, authorised, to draw on the treasurer quarterly, and ending on the first day of May in each year, for the payment of the necessary clerks required in his office: *Provided*, The same shall not exceed annually the sum of three thousand five hundred dollars. The same.

VII. *And be it further enacted*, That the treasurer shall pay, on the warrant of the comptroller, to John Bryan, one dollar for each and every day that Henry Latham has attended upon and D1 per diem to J. Bryan

D2 to D. De Witt. served the assembly this session of the legislature; and to Dolly De Witt, two dollars for each day that John De Witt has attended upon and served the assembly the present session thereof; to be appropriated for the benefit of the said Henry and John.

D50 for index to journals. VIII. *And be it further enacted,* That the treasurer shall pay, on the warrant of the comptroller, to the clerks of the senate and assembly respectively, the sum of fifty dollars for making an index to the journals of the senate and assembly of this session of the legislature, when such index shall be approved of by the secretary of state.

D2540 for assessments, &c. IX. *And be it further enacted,* That the sum of two thousand five hundred and forty dollars, for the payment of assessments on the arsenal lot in New-York, and filling up the same, and for expenses of repairing the arsenal in Albany, be, and the same is hereby, appropriated for the use of the commissary's department, to be received and accounted for by the commissary-general to the comptroller of this state.

D112.75 to committee at Auburn. X. *And be it further enacted,* That the treasurer shall pay, on the warrant of the comptroller, the sum of one hundred and twelve dollars and seventy-five cents, to the committee appointed by the house of assembly to visit the state prison at Auburn, for their expenses in the performance of that duty.

surv. gen's surveys. XI. *And be it further enacted,* That it shall be the duty of the comptroller to audit the account of the surveyor-general, for surveys made pursuant to a concurrent resolution of the senate and assembly, of the 13th day of April, 1819, of land in the counties of Dutchess and Putnam, forfeited to the people of this state by the attainder of Roger Morris and Mary his wife, and claimed by John Jacob Astor, and that he draw his warrant on the treasurer for what shall appear to be due the said surveyor-general.

D28 to J. D. Livingston. XII. *And be it further enacted,* That the treasurer, on the warrant of the comptroller, pay to James Duane Livingston twenty-eight dollars, for attending as a witness before a select committee of the house of assembly, at their last session; and the sum of ten dollars to the standing committee on agriculture, of the house of assembly, for their expenses incurred in pursuance of a resolution of the house.

D2500 to N. Y. deaf & dumb institution. XIII. *And be it further enacted,* That the treasurer shall pay, on the warrant of the comptroller, to the treasurer of the New-York institution for the instruction of the deaf and dumb, the sum of two thousand five hundred dollars, to be applied to the charitable purposes of that institution during the ensuing year.

D631 to Montgomery academy. XIV. *And be it further enacted,* That the treasurer of this state be authorised and required to pay, upon the warrant of the comptroller, to the trustees of the Montgomery academy, six hundred and eighty-one dollars, being the amount of quit rents supposed to be due on a certain patent granted to George Murray and others, which were intended to be granted to the said trustees, by an act entitled "An act to enable the trustees of the Montgomery academy to erect a new building," from which the said patent had been totally discharged, by reason of a former confiscation and sale.

XV. *And be it further enacted*, That the door keeper of the senate be allowed for three days attendance upon the electors of president and vice-president, the like compensation as is now allowed by law for his services as door keeper, to be paid by the treasurer, on the warrant of the comptroller.

Doorkeeper's special services.

XVI. *And be it further enacted*, That the comptroller be, and he is hereby, authorised and required to liquidate the claim of this state against John W. Wyman for twenty-five hundred dollars, as security for Solomon Southwick, in the purchase of one hundred tickets in the lotteries for the promotion of literature, and to allow the said John W. Wyman, as of the time the same became due, such sum as shall be certified by the judge of the court of exchequer to be reasonable for his fees in certain cases, as provided for in the tenth section of the act relative to the court of exchequer, and which accrued previous to the passing of the act entitled "An act to amend an act relative to district attorneys," and pay the balance thereof (if any there shall be) to the said John W. Wyman.

Provision as to J. W. Wyman.

XVII. *And be it further enacted*, That the treasurer of this state pay, on the warrant of the comptroller, to Garret L. Dox, late treasurer, the sum of ninety-one dollars and eighteen cents, being the amount paid by him to his predecessor for the furniture in the treasurer's office; and the further sum of one hundred and fifty-nine dollars, being the amount of counterfeit bank bills received by him as treasurer.

\$91.10 to G. L. Dox.

XVIII. *And be it further enacted*, That the powers of the commissioners for improving the navigation of the Hudson river, appointed by the "Act to amend the act entitled "An act relative to the improvement of the navigation of Hudson's river," passed March 8, 1816, shall be deemed to extend to the improvement of the said navigation at any point or place between where the powers of the Troy commissioners end and Coeyman's overslaugh.

Provision as to the nav. of Hudson river

XIX. *And be it further enacted*, That Simeon De Witt and Benjamin Knower be and they are hereby authorised to cause such painting and repairs to be done to the capitol as they may deem necessary and proper; and that the treasurer, upon the warrant of the comptroller, pay such sum and sums of money as the said Simeon De Witt and Benjamin Knower shall certify to the comptroller to be the expense thereof, not exceeding in the whole amount the sum of twelve hundred and fifty dollars.

Repairs to the capitol.



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NOTE—Under the title **RELIEF**, are placed all references to acts, or parts of acts, for the relief of, or concerning any private individuals, excepting aliens.—Under the titles **TURNPIKE, ROAD and BRIDGE COMPANIES**, all acts or parts of acts relating to any turnpike, or bridge companies. For references to acts or parts of acts relating to roads or highways, see **ROADS**, and for *Villages, Dams, Courts, Ferries, Colleges, Churches, Academies, Seminaries, Towns Altered, Towns Erected, Town Meetings, Societies, Insurance Companies, Schools, Loans, Lands and Bridges*, except Bridge Companies, see under those respective heads, without further reference.

The reader will also please to note the following *marks of reference*—*a*, refers to the forty-second, *b*, to the forty-third, and *c*, to the forty-fourth session of these laws, which sessions are contained in this volume.

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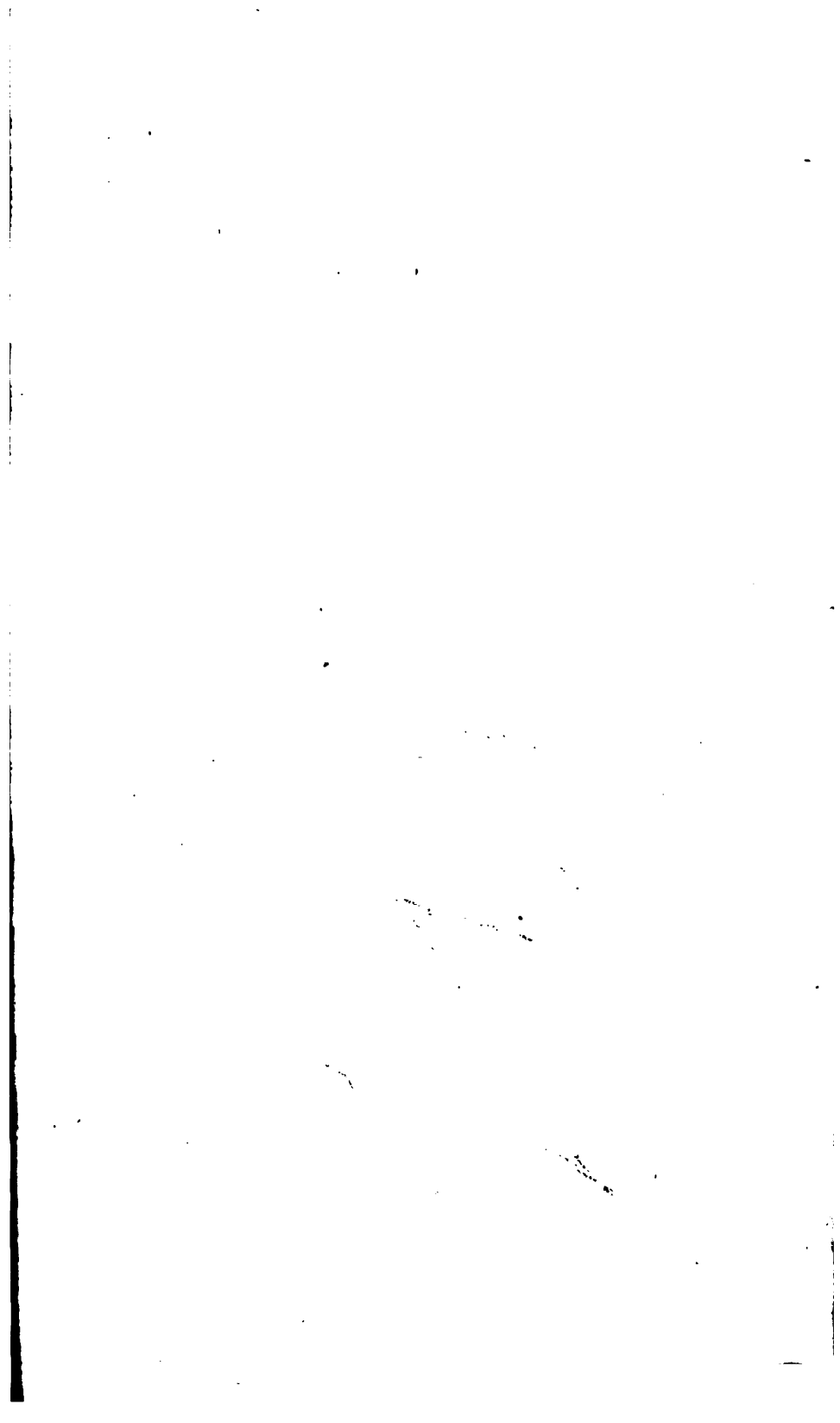
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